

**THE AUSTRALIAN FEDERAL POLICE AS AN INTERNATIONAL ACTOR:
DIPLOMACY BY DEFAULT**

Submitted by

Martin Christopher Hess
M Defence Studies
M Leadership & Management (Policing)

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Declaration

This thesis contains no material published elsewhere or extracted in whole or in part from a thesis by which I have qualified for or been awarded another degree or diploma.

No other person's work has been used without due acknowledgement in the main text of the thesis.

This thesis has not been submitted for the award of any degree or diploma in any other tertiary institution.

All research procedures reported in the thesis received the approval of the relevant Ethics/Safety Committees (where required).

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Abstract

Under traditional International relations theory, diplomacy relates to relations between sovereign nations. There have been two broad schools of thought on the dynamics behind these relations: the ‘realist’ school, which tends to consider power and conflict as the major lens through which such should be viewed, and the ‘idealist’ school which tended to focus on cooperation rather than conflict. Between these two extreme views, a third school, the English School of International Relations, also known as the British Institutionalists, provides somewhat of a compromise view, acknowledging the merit of both realism and idealism, by accepting that power remains an important element but also advocating that acceptance of common norms and institutions plays a significant role in determining relations, or the International Society between states.

In 1977 Hedley Bull offered the following definition of International Society when he stated that International Society ... *exists when a group of states, conscious of certain common interests and common values, form a society in the sense that they conceive themselves to be bound by a common set of rules in their relations with one another, and share in the working of common institutions.*¹

This thesis is not specifically related to International Relations theory, which deals with inter-state relations. Whilst inter-state conflict and international relations remain important drivers of foreign and military policy, there is a growing recognition that it is intra-state conflict avoidance and post-conflict reconstruction which increasingly mitigate the risk to the safety, security, peace and prosperity of nations and regions. Much of this disquiet has its roots in maladministration, poor governance and a lack of justice. These are areas in which traditional approaches to foreign intervention via trade, aid and military force have limited effect, and in which effective consent-based policing and justice can play a significant part in building sustainable and peaceful outcomes.

This thesis discusses the role played by a non-traditional actor in the international arena, the police, specifically the Australian Federal Police (AFP), in addressing some of these intra-state justice and governance issues in a constantly changing, unstable and unpredictable global and regional environment. The thesis is intended to outline the diversity and versatility of AFP activities and to contextualise them in terms of non-traditional New Diplomacy. The aspects of diplomacy of most significance relate to diplomatic qualities or traits of the individual police officer, diplomatic behaviours of these members, and diplomatic outcomes of their activities. As

¹ Bull, H. (2002). *The Anarchical Society: A study of order in world politics*. Basingstoke, U.K.: Palgrave, p. 13 in *International Society: Oxford Research Encyclopaedia of International Studies*: <http://internationalstudies.oxfordre.com/view/10.1093/acrefore/9780190846626.001.0001/acrefore-9780190846626-e-98>

such the thesis does not relate directly to International Relations theory or to International Society, as espoused by Hedley Bull.

There are, however, some interesting intersections which are worthy of note. There are some critics of the English School who argue that it is Eurocentric. Today's International Relations originated in the 19th century when a number of European nations formed a club of 'civilised' ² states bound by international law, which expanded around the globe to involve all nations. This concept has been used to explain the lack of imperative for a supra-state or world government to maintain orderly inter-state relations, as the force which binds them is consent to agree to common interest and values within a global rules-based order.

In terms of policing on an international scale, global government is simply too unwieldy. There are a number of global, consent-based institutions such as the United Nations and INTERPOL, which fulfil this requirement to a certain extent. The AFP has had long involvement with both of these global institutions, as well as several regional policing institutions. In terms of conflict-oriented 'realism' and cooperative 'idealism', policing walks both sides of the street. As this thesis will discuss, the whole posture of liberal-democratic policing is conflict prevention, and the means by which such police carry out their daily duties is by cooperation. This is the context in which replication or expansion of International Society should be considered in relation to the activities of the AFP internationally and regionally.

This thesis is by definition Eurocentric, or more specifically Anglo-centric, due to the historical fact that the AFP draws all of its principles from Australia's British antecedents and adheres to a largely 'western' or European notion of human rights values.

This thesis explores the role of the AFP as an international actor. The thesis asserts that effective international policing has never been more important in linking the international with the domestic. The way the AFP operates in a landscape where traditional policing paradigms are rapidly changing, due to ever-changing, political, diplomatic, and transnational issues, is examined in the context of the 'globalisation paradox', of both needing and fearing, global governance simultaneously, as raised by Anne-Marie Slaughter in her book, *A New World Order*.³ The way the organisation has evolved from its origins, based on Western liberal-democratic policing values, approaches and skills, to an organisation involved in international policing and diplomacy at the highest levels, while still retaining its liberal-democratic credentials is explained. It is argued that in the contemporary international and Australian context, the AFP is an effective

² Civilised in this context refers to post-Westphalian industrialised European nations with defined, although sometimes disputed, borders, common languages and accepted cultures, which were generally Christian.

³ Slaughter, A. (2009). *A New World Order*. Princeton University Press.

and experienced agency. It is further argued that this is a distinctive form of new diplomacy, appropriate to an increasingly globalised world.

The AFP has established an extensive international network in more than 30 countries, has been a consistent contributor to national security, has participated in numerous international deployments over half a century, and continues to play a meaningful role in Australian foreign policy efforts. The thesis provides evidence to show how AFP officers exhibit diplomatic qualities similar to those listed by Daryl Copeland in his book *Guerrilla Diplomacy* ⁴, as well as those mentioned by Christopher Meyer in his book *Getting Our Way*.⁵

In all of its international endeavours, AFP members have demonstrated, in varying degrees, the three enduring elements of diplomacy as outlined by Jonsson and Hall in their book *The Essence of Diplomacy*. They have communicated and negotiated in some very challenging circumstances and they are representatives of the Australian Government and its humanitarian values. The AFP, as part of broader efforts with institutions such as the UN, have not so much sought a replication of international society, as mentioned by Jonsson and Hall, but have provided a supplement to international society, by effective networking, thereby addressing in large part, Slaughter's 'globalisation paradox'. It is not so much universal police homogeneity which is sought by such endeavours, as a balance between it, and the heterogeneity which is inevitably associated with cultures transitioning from custom and tradition, to 21st century expectations of nationhood. The way the AFP's transnational operations, activities, and deployments, not only serve perceived national interests, but result in more effective regional governance, is identified as 'diplomacy by default', because formal Track I diplomacy is not their primary objective. It will be demonstrated how international diplomacy, while generally conducted with perceived national interests as its primary goal, has a secondary benefit, good international citizenship, and that the AFP has a credible history of serving both.

It is argued that the AFP is well positioned within government, law and intelligence and security circles, in the Australian and international contexts, through an extensive liaison officer network in South-East Asia, the South-West Pacific as well as more broadly. It will be demonstrated how the AFP has shown itself as capable and ready to respond effectively to extant and emerging challenges, and as such, has earned a place in foreign policy discussions and considerations at the highest diplomatic levels, including the UN. The AFP provides a distinctive and direct link between the global, the regional, and the domestic, which matches the rapidly globalised community it represents. The thesis confirms that international policing acts as a distinctive aspect of Australian 'firm' diplomacy, and supplements the more traditional elements of international

⁴ Copeland, D. (2011). *Guerrilla Diplomacy*. Viva Books, New Delhi.

⁵ Meyer, C. (2009). *Getting Our Way: 500 Years of Adventure and Intrigue: the Inside Story of British Diplomacy*. Weidenfeld and Nicholson. Orion Books, London.

engagement, between the ‘soft’ or traditional diplomacy, and the ‘hard’ form of military intervention. The evidence provided shows how it is by this form of whole-of-government activity, inclusive of policing, that stability and security are enhanced, and peace and prosperity are encouraged. Overall, the thesis affirms the AFP as a transnational agency, which is well placed to link the international with the domestic, the contextual with the aspirational, and the theoretical with the practical, in a period of strategic uncertainty in international affairs at the dawn of the Third Millennium.

Acknowledgements

Although it has taken me almost a decade to write, this thesis has been several decades in the making. It is the culmination of thirty years of policing in a diverse range of environments in each jurisdiction in Australia, and several international deployments, including to some of the most challenging areas the AFP has been engaged in. These include with the first fifteen police members with UNAMET in East Timor in the second half of 1999, which ended the military's 'Great Peace' and which arguably set the course for the eventual creation of the International Deployment Group, by raising the utility of the AFP in the eyes of the then Federal Government. I also deployed to Afghanistan in 2010–11, where I was privileged to witness the enormous resources, dedication and widespread goodwill which can be generated by a coalition, led by the United States, in what was, and remains, a wicked problem.

I have heard the word, 'magnificent' used in connection with the AFP on two occasions. The first was after the INTERFET welcome home march in Sydney, in 2000, where the Prime Minister, John Howard, on the steps of the Sydney Town Hall, thanked the military and police commanders and then specifically thanked 'our magnificent Australian Federal Police'. The second occasion was in the Great Hall at Parliament House Canberra in 2015, on the first anniversary of the shooting down of Malaysian Airlines Flight MH17, when Australia's Special Envoy, Air Chief Marshal Sir Angus Houston, AK, AC, AFC, similarly thanked the members of 'the magnificent Australian Federal Police'. Magnificent might be pushing things a bit, but there are certainly occasions where the Australian public should be proud of their AFP.

Throughout this period I have drawn inspiration and sought the wisdom of a number of my police peers, my whole-of-government peers and of course from the broader academic community. First and foremost in the latter community is Professor William Maley, AM, Founding Director of the Asia Pacific College of Diplomacy at the Australian National University, whose insight, support and guidance, has kept me focussed on the main track of my argument, when there were so many side-tracks to distract me. His wisdom and generosity know no bounds. It is no exaggeration to state that without his support, this thesis would never have been written.

In addition, I would like to acknowledge and thank the following people for their advice, guidance and editing: Dr Stephanie Koorey, Dr Coral Brown, Mr Barry Hess QC, Mrs Patricia Coulthard and Ms Rachel Wheeler. I would also like to thank and acknowledge my family, including my wife, Louise, who can now have her house back, and particularly my children, Felicity and Christopher, both of whom are digital natives, and both of whom assisted me in their own ways in completing this thesis.

This thesis is dedicated to all of those men and women worldwide, whose policing efforts in keeping their communities safe and secure, 24 hours a day, seven days a week, 365 days a year, often go unrecognised and unacknowledged. This is often a thankless task. Thank you. To those giants of past policing, upon whose shoulders I have stood, to gain a glimpse of the actual roles as well as the potential roles policing can play in making the world a better, safer and more secure place, I thank you for your efforts. To my police peers in the AFP, I say, we have helped make history over a relatively brief period of time, and to those who are to follow in the footsteps of these giants, please learn from their efforts and continue to adhere to and live their values regardless of the circumstance or environment.

Preface

In September 2003, Professor Hugh White wrote an article in the Sydney Morning Herald ⁶ in which he mentioned ‘firm power’ in international affairs, which sits between traditional ‘hard power’ of military intervention and the ‘soft power’ of trade, aid and normal diplomatic links. This ‘firm power’, tougher than aid but softer than military intervention, is provided by justice sector actors such as police, prison officers, judges and governance actors such as auditors.

This thesis is not about police ‘power’ per se, but is about a form of ‘firm diplomacy’ offered by international police deployments. The reason is that power implies strength and an imperative to use that strength to overcome an adversary. The principle behind the use of power is straightforward: to be more powerful, one must be bigger, stronger, faster and better equipped than your adversary. Whilst there are elements of this in policing, the use of power or force are last resorts for liberal-democratic police, whose general stance is a preference for other less confrontational forms of conflict resolution, such as negotiation and reconciliation, and of course, justice. These require empathy, understanding and a willingness to cooperate, collaborate and compromise, as well as an effective use of intelligence, which are characteristics very closely aligned to diplomacy. This thesis, therefore builds on Professor White’s notion of firmness, but instead of focussing on ‘firm power’, the thesis considers the actions of the Australian Federal Police in the international arena through the prism of ‘firm diplomacy’. This is discussed in the context of eight examples over a significant period spanning the millennium, where the AFP was deployed internationally, sometimes in lieu of the military. It will be argued that police at an individual level share many traits with diplomats, and institutionally, when deployed, have engaged in activities which have had positive outcomes for Australia’s national interests, including regional, and global security, peace and prosperity, as well as for the international ‘good’ these bring. It is important to acknowledge that police do not act in isolation, but are an important component of a broader justice system.

It is also important to acknowledge that the United Nations Declaration on the Principles of International Law decrees that:

No state or group of states has the right to intervene directly or indirectly, for any reason whatsoever, in the internal or external affairs of any other State. Consequently, armed intervention and all other forms of interference or attempted threats against the

⁶ White, H. 2003, ‘Not hard cop, not soft cop, but still firmly into PNG’, Sydney Morning Herald, 23 September 2003, p.13] in Frame, T. (ed) *The Long Road: Australia’s Train, Advise and Assist Missions*, UNSW Press Sydney 2017, p. 18.

*personality of the State or against its political, economic or cultural elements are in violation of international law.*⁷

The Australian Government and its police respect national jurisdictional sovereignty and therefore do not deploy internationally without either an express invitation of the host government, or an international mandate from the United Nations. This is the context in which Australian police 'firm diplomacy' will be discussed.

Diplomacy can mean many things simultaneously. For the purposes of this thesis, these diplomatic aspects fall into three categories: diplomatic qualities, diplomatic behaviours and activities, and diplomatic outcomes. This thesis will consider these in the context of eight individual circumstances and environments, over a span in excess of half a century, where the AFP has deployed its members, in the pursuit of peace, stability, security and justice, which in themselves are among the most worthy ideals of diplomacy.

In chapter one of her book *A New World Order*, Anne-Marie Slaughter raises the use of networks of government officials as an alternative to the 'globalisation paradox', posed by the notion of global government. This paradox, she argues, sees global government in absolute terms between an outdated system of sovereign states, often in conflict or competition with each other, at one extreme, and an Orwellian notion of an undemocratic, autocratic, hyper-bureaucratic and coercive authority at the other. There is an increasing appetite for more government on a global and regional scale, but less inclination for centralised decision-making and global coercion. The scale and scope of such an entity, and the diversity of people it would encompass, are simply unmanageable. She argues that world government can be managed within existing parameters, by recognition and better use of extant and potential networks, using the soft power of persuasion, negotiation and information sharing, horizontally between governments, and vertically through international fora, or supra-national organisations. In this way, primary political authority remains with national governments, but ideas, concepts and common approaches, to the betterment of all, can be shared. She argues that these networks are at present, under-appreciated, under-supported, and under-used, and, describes those actors who do engage in such networking, as 'new diplomats'.

The Canadian author Daryl Copeland, in his book *Guerrilla Diplomacy*, and the British author, Christopher Meyer in his book *Getting Our Way*, have identified a number of individual qualities of diplomats, both traditional and new. It is asserted that most, if not all, of these individual qualities are shared and exhibited by police in their daily duties domestically, and that these

⁷ *United Nations Declaration on the Principles of International Law – Declaration on Principles of International Law concerning Friendly Relations and Co-operation among States in accordance with the Charter of the United Nations. A/RES/25/2625. 1883rd plenary meeting. 24 October 1970.* [<http://www.un-documents.net/a25r2625.htm>]

diplomatic qualities travel with AFP members when they deploy internationally, as they bring well-established principles, approaches and values with them.

Christer Jonsson and Martin Hall, in their book *The Essence of Diplomacy*,⁸ identify three enduring behavioural aspects of diplomacy. The first is communication, which includes both negotiation and the collection and transmission of information; the second involves representation, not just of their principal, but also of ideas and ideals; the third is the replication of international society. The latter is a reflection of international norms and standards, which is not without its challenges in Australia's immediate region, the Indo-Asia-Pacific, as well as further afield.

This thesis will argue that the international activities of the AFP fit well within this concept of 'new diplomacy', raised by Slaughter, and the behaviours identified by Jonsson and Hall, but that diplomacy is not their primary objective. Rather, it will be argued, the by-product of effective international policing activities such as peace-keeping, capacity development, crisis response, official liaison or engagement, in regional or international police fora by the AFP, constitute 'diplomacy by default', because formal diplomatic outcomes are not their primary aim. The AFP acting internationally represents the 'pale empire of ideas', as mentioned by the Australian historian Geoffrey Blainey, where he states '*[t]here were two categories of empire. One is physical, consisting, like the Roman and British empires, of colonies and dependencies. The other category is the pale empire of ideas. In the 19th century, Europe spread in influence even more through its empire of ideas than through the possession of new colonies.*'⁹ It is argued, the values demonstrated by the AFP and its members whilst engaging internationally, are directly attributable to a colonial past, and are potentially transportable more broadly in the interests of security, peace and prosperity, and are thus an extension of this 'pale empire of ideas', and of ideals. This is closely aligned with Hedley Bull's notion of International Society.

The 'firm diplomacy', as exhibited by the AFP, is a living example of this 'pale empire of ideas' and when applied in an international context, its influence is actually 'diplomacy by default'. The structure, and values-base adopted by the AFP in its dealing internationally, may illuminate a way in which effective global policing can take place through active participation in global fora such as the UN and INTERPOL, and regional fora such as ASEANAPOL and PICP, without compromising the existing notion of state sovereignty, and thereby, at least in part, address Slaughter's 'globalisation paradox'. Instead of needing and fearing global government at the same time, we can have and embrace significant aspects of it through effective and accountable policing

⁸ Jonsson, C. and Hall, M. (2005). *The Essence of Diplomacy. Studies in Diplomacy and International Relations*. Palgrave Macmillan.

⁹ Blainey, G. (2013). *A Very Short History of the World*. London, UK: Penguin Books Australia, p. 385.

intervention and enhanced networks. This is a re-thinking of what diplomacy can be, and why it is increasingly important, in the era of globalisation.

In their book *Global Policing* Ben Bowling and James Sheptycki introduce the notion of ‘global cops’ and outline the following sub-cultures of international policing: the technician, the entrepreneur, the public relations expert, the legal ace, the spy, the field-operator, the enforcer and the diplomat. These are not mutually exclusive as police are all of these things at once. The focus of this thesis is on the police diplomat.

In relation to the international policing ‘diplomat’, they state that it:

*is a useful role in the complex architecture of policing but has not been the object of much scholarly attention. They state further ...that this is the most difficult and demanding role and rarely found in the world of policing. It entails much more than a wide-ranging understanding of how to ‘get things done’, and smooth use of bureaucratic and legal rules. It also requires a sociological skill: the capacity to step outside one’s own narrow world-view and frame of reference in order to see things from another’s perspective.*¹⁰

The notion of policing and diplomacy are not necessarily natural partners. This is because policing is generally viewed through a domestic prism and diplomacy through an international one. These traditional paradigms are changing, due primarily to a rapidly changing policing and political environment, both domestically and internationally. Historically, the traditional modes of international engagement are by state to state diplomacy, and when required, by defence or military forces in furtherance of government objectives or the defence of national interests. There is now an increased impetus to add policing to this suite of options.

In the Australian context, policing is well placed to link the international with the domestic, and the aspirational with the achievable. International diplomacy is generally conducted with the national interest as its primary goal, but there is a secondary beneficiary of effective diplomacy, which is good international citizenship. The use of military force is generally confined to serving the national interest, although there are some non-warlike aspects of military intervention, which serve international good citizenship: humanitarian aid and disaster relief are the two most obvious examples. Both are externally focussed with little or no domestic remit, although this is changing.

As early as 1963, the UN Secretary General U Thant stated:

*I have no doubt that the world should eventually have an integrated police force which will be accepted as an integral and essential part of life in the same way as national police forces are accepted. Meanwhile, we must be sure that developments are in the right direction and we can also meet critical situations as and when they occur.*¹¹

¹⁰ Bowling, B. and Sheptycki, J. (2012). *Global Policing*. London: SAGE, p. 88.

¹¹ U. Thant, UN Secretary General, June 13, 1963

A global police force is a distant vision for good reasons, including those related to Slaughter's 'globalisation paradox' of simultaneously needing and fearing such a global instrument. Crime and criminals flourish in an environment of impunity, immunity and anonymity. This is becoming increasingly problematic in a globalised world of rapid mass communications. In addition, this is coupled with some major drivers of crime. Traditionally these have been seen as need and greed. These however have been joined by ideologies inimical to accepted societal values, such as religious, political or ideological extremism, which expose ordinary citizens to a significant level of criminal malevolence. To counteract this, the AFP provides the Australian community with a combination of western liberal-democratic policing values, approaches and skills, developed mostly in the British Isles over centuries, to detect, deter, disrupt and prevent crime offshore.

Liberal-democratic policing is somewhat unique in the Indo-Asia-Pacific region, which has faced serious stability and security challenges, as regional democracy has developed only recently in each individual nation. The AFP is a significant international participant operating in areas in which traditional defence capabilities or traditional diplomatic actors are not. In that sense, the AFP as an international police participant lies between traditional diplomacy and traditional defence and as such is very much a part of 'new diplomacy' as argued by Slaughter, and its activities, it is argued, constitute 'diplomacy by default'.

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List of Abbreviations

AAPP	Assisting Australian Police Personnel (PNG ECP)
ABC	Australian Broadcasting Corporation
ACT	Australian Capital Territory
ADF	Australian Defence Force
AEST	Australian Eastern Standard Time
AFP	Australian Federal Police
AGD	Attorney-General's Department
ALP	Australian Labor Party
ANP	Afghan National Police
ANZPAA	Australia–New Zealand Policing Advisory Agency
APEC	Asia-Pacific Economic Cooperation
APS	Australian Protective Service
ASEAN	Association of South East Asian Nations
ASEANAPOL	ASEAN Police Forum
ASIC	Australian Securities and Investment Commission
ASIO	Australian Security Intelligence Organisation
ASPI	Australian Strategic Policy Institute
ATO	Australian Taxation Office
BBC	British Broadcasting Corporation
BRIMOB	Indonesian Police Mobile Brigade
CIA	Central Intelligence Agency (US)
CIS	Commonwealth Investigation Service
CJIATF-N	Combined Joint Inter Agency Task Force (Nexus) (Afghanistan)
CNPA	Counter Narcotics Police Afghanistan
CPP	Close Personal Protection
CSTC-A	Combined Security Transition Command-Afghanistan
DFAT	Department of Foreign Affairs and Trade
DIBP	Department of Immigration and Border Protection
DVI	Disaster victim identification
ECP	Enhanced Cooperation Program (PNG)
EU	European Union
EUROJUST	European Union Justice grouping
EUROPOL	European Union Police forum
FBI	Federal Bureau of Investigations (US)
FDD	Focused District Development (Afghanistan)
FILO	Family Investigations Liaison Officer (AFP)

FRELIMO	Frente da Liberacao de Mocambique
GIRoA	Government of the Islamic Republic of Afghanistan
HMAS	His/Her Majesty's Australian Ship
HMS	His/Her Majesty's Ship
IDG	International Deployment Group (AFP)
IDP	Internally displaced person
IED	Improvised explosive device
INP	Indonesian National Police
INTERFET	International Force East Timor
INTERPOL	International Police Organisation
IRA	Irish Republican Army
IOCC	Interagency Operations Coordination Centre (Afghanistan)
ISAF	International Security Assistance Force (Afghanistan)
JCLEC	Jakarta Centre for Law Enforcement Cooperation
JIATF-W	Joint Inter Agency Task Force-West (US)
MEF	Malaitan Eagle Front (Solomon Islands)
MOSC	Management of Serious Crime (AFP)
MSG	Melanesian Spearhead Group (Pacific)
NATO	North Atlantic Treaty Organisation
ODA	Official Development Assistance
OECD	Organisation for Economic Cooperation and Development
OEF	Operation Enduring Freedom (US – Afghanistan)
OMLT	Operational Monitoring Liaison Team (Afghanistan)
ONUMOZ	UN Mission Mozambique
ORG	Operations Response Group (AFP)
OSCE	Organisation for Security and Cooperation in Europe
PICP	Pacific Islands Chiefs of Police
PIF	Pacific Islands Forum
PNG	Papua New Guinea
PNG-APP	Papua New Guinea-Australian Police Partnership
POLRI	Police Republic of Indonesia
POM	Public order management
POMLT	Police Operational Mentoring Liaison Team (Afghanistan)
PPDP	Pacific Police Development Program (AFP)
PPDP-R	Pacific Police Development Program-Regional (AFP)
PPF	Participating Police Force (Solomon Islands)
PRK	People's Republic of Kampuchea (Cambodia)
PRPI	Pacific Regional Policing Initiative

PPTAG	Pacific Police Training Advisory Group (AFP)
PTC	Provincial Training Centre (Uruzgan Province-Afghanistan)
PTCN	Pacific Transnational Crime Network
QC	Queen's Counsel
RAMSI	Regional Assistance Mission Solomon Islands
RC(S)	Regional Command (South) (Afghanistan)
RENAMO	Resistencia Nacional Mocambiquana
RN	Royal Navy
RPNGC	Royal Papua New Guinea Constabulary
RSIP	Royal Solomon Islands Police
RSIPF	Royal Solomon Islands Police Force
SAPP	Samoa Australian Police Partnership
SCIF	Secure Compartmentalised Intelligence Facility
SOCA	Serious Organised Crime Agency (UK)
SSR	Security sector reform
TK	Tarin Kot (Afghanistan)
TNI	Tentara Nasional Indonesia (Indonesian military)
TPDP	Tonga Police Development Program
UN	United Nations
UNAMET	United Nations Mission East Timor
UNBRO	United Nations Border Relief Organisation (Thailand-Cambodia)
UNBZ	United Nations Buffer Zone (Cyprus)
UNCIVPOL	United Nations Civilian Police (later UNPOL)
UNFICYP	United Nations Force in Cyprus
UNMIS	United Nations Mission in Sudan
UNMISS	United Nations Mission in South Sudan
UNMIT	United Nations Mission in Timor
UNPOL	United Nations Police
UNSC	United Nations Security Council
UNTAC	United Nations Transitional Authority Cambodia
UNTAET	United Nations Transitional Authority East Timor
US	United States
USSR	United Soviet Socialist Republics (Soviet Union)
VAPP	Vanuatu–Australia Police Program
ZOPFAN	Zone of Peace, Freedom and Neutrality (ASEAN)

Introduction

In his book *The Politics of the Police*, Robert Reiner, an esteemed British expert on police and policing in the British context, quotes Frederick William Maitland the author of *Justice and Police* in 1885 stating that the group of words ‘*police, policy, polity, politics, politic, political, politician* is a good example of delicate distinctions.’¹² This is as true and relevant in the contemporary environment as it was when it was written in 1885.

Discussion related to daily politics is kept to a minimum in this thesis. Because, however, they are publicly funded, the police are inevitably connected to government policy, and as such could be said to be ‘political’. In British-based legal systems, however, police endeavour to remain aloof from the politics of the day, and maintain a posture of political impartiality and operational objectivity, by serving the law. This serves to underwrite their institutional legitimacy in the eyes of the public, and thereby the trust required in the consent-based policing model. It is public consent rather than coercion, or police prestige rather than police power, which underpins this model. Australia is a Constitutional Monarchy, and the mechanism by which political impartiality and operational objectivity is achieved, is by having the police, and in fact all participants in the criminal justice system, the legislature, the judiciary and corrections officers, swear an oath to the Crown, rather than to other entities such as the Constitution, the ‘people’, or the Government of the day. The Crown is an institution whose antecedents date from centuries of refinement, which underpins the legitimacy of those who represent it when dealing with fellow citizens, whose rights and liberties are protected under the laws enacted in the name of the Crown. This brings with it certain expectations and responsibilities relating to both police behaviours and misdeeds. The prominence of the Crown on police uniforms, is a constant reminder of this. It is a visible representation that rights will not be abused and freedoms will be protected by force of law, and that any abuses will be addressed through specifically designed accountability mechanisms. It is the police who actually carry out law enforcement in accordance with well-established values, principles and approaches, which will be further discussed. The Crown is as much a symbol of accountability as it is a symbol of authority. It is a visible representation of the liberal-democratic social contract.¹³ There is also a difference between law enforcement and policing, which encompasses enforcement of the law as well as a host of other community-based engagements, often aimed at prevention. In many ways, the deployment of the AFP internationally is more related to the latter pursuit of policing than to law enforcement, because this sort of executive policing has been relatively rare in the AFP’s international engagement.

¹² Reiner, R. (2010). *The Politics of the Police*. Oxford: Oxford University Press, p.1.

¹³ Please see Appendix A: Symbolic representation of ideas and ideals worn by the AFP on international operations; see also Greenwood, N, (1999), *For the Sovereignty of the People*.

The notion of a liberal-democratic social contract also underwrites the common understanding of the ‘five-eyes’ community of Australia, New Zealand, Canada, Britain and the United States. Ironically it is the overarching relationship with the latter, one of the most successful republics in world history, which underpins this community of the most trusted of international partners. The U.S., although a republic, shares British common law antecedents with the other members, as a legacy of its own British colonial heritage.

In a paper written under the auspices of The International Centre for Criminal Law Reform and Criminal Justice Policy, The United Nations Interregional Crime and Justice Research Institute, The Centre for International Crime Prevention, The Austrian Study Center for Peace and Conflict Resolution Department of Justice of Canada, Duncan Chappell and John Evans state:

...police derive and exercise their extensive powers and functions on behalf of the entire community. Consensus rather than conflict is the preferred mode and style of law enforcement. In contrast, non-democratic societies more frequently use police to impose the dictates of the ruling elite upon the masses. Their function is largely one of exercising control over the population rather than serving the needs of the broader community. These competing models of policing undoubtedly represent extremes...The police regulate the freedoms that are essential to democracy – immunity from arbitrary arrest, detention, and exile, the ability to speak, write, demonstrate, and form associations.¹⁴

This thesis concerns AFP engagement on a rapidly changing international stage. The distinction between law and policy therefore needs to be made early in this discussion. The AFP is essentially a domestic crime agency tasked with addressing nationally related criminal activity. This is done in accordance with legislation, as a sovereign police force operating within its own exclusive national jurisdiction, in partnership with its State and Territory counterparts. The AFP, however, has a number of international aspects related to its persona as Australia’s national police force. The AFP engages internationally in four broad ways: via ‘boots on the ground’ deployments related to peacekeeping, or police capacity-development; via crisis response in which Australia has an interest; via a highly effective international police liaison officer network, and via participation in various regional and international police fora.

The AFP respects the notion of sovereign jurisdictions. When the AFP deploys internationally, particularly in ‘boots on the ground’ deployments, it does so in accordance with international law, as applied in Australian Government policy, to another nation’s sovereign jurisdiction. It should be further borne in mind that police never deploy without an international authority in the form of a United Nations Mandate, or an express invitation from the host government of the nation concerned. When, how and why these are negotiated is the preserve of official diplomats as part of traditional Track I diplomacy. This thesis outlines how the AFP has deployed under both UN

¹⁴ Chappell, D. and Evans, J. (1997) *The Role, Preparation and Performance of Civilian Police in United Nations Peacekeeping Operations*, Sydney.

Mandates and host government invitation over the period of its existence and before. This respect for national sovereignty means that when the AFP does deploy to another national jurisdiction, certain legal requirements must be met. Prominent among these is the concept of diplomatic privileges and immunities.

Diplomatic immunity

Diplomatic Immunity is a principle of international law which provides immunity from host nation legal processes for certain foreign government officials. It has its origins in ancient culture where messengers were protected and were permitted to travel from tribe to tribe without fear of interference. In contemporary terms, this protects modern diplomatic communication channels, which allows certain foreign government representatives to conduct their duties with freedom, independence and security. Under the *Vienna Convention on Diplomatic Relations* of 1961, and the *Vienna Convention on Consular Relations* of 1963, this is a universal concept, thus all nominated diplomats, enjoy the same immunity from host nation legal processes. The conventions provide immunity to persons according to their rank in a diplomatic mission or consular post and according to the need for immunity in performing their duties.

Diplomatic privileges and immunities guarantee that diplomatic agents or members of their immediate family:

- May not be arrested or detained
- May not have their residences entered and searched
- May not be subpoenaed as witnesses
- May not be prosecuted

Those of lower diplomatic status may not enjoy full immunity but may only be immune from legal action in relation to duties performed in an official capacity. Diplomatic Immunity can be waived by the diplomat's own government, and action may be taken by that government for any abuses.

It is also possible for the host country to declare any member of the diplomatic staff of a mission persona non grata (or unwanted person). This may occur at any time without explanation. The home country would normally recall the person or persons under these circumstances.¹⁵

In relation to immunity enjoyed by police when they engage internationally it is instructive to outline the circumstances in which they deploy. It is important to acknowledge that the AFP does not deploy its members without either an express invitation of the host government or under an international mandate, such as a United Nations Mandate. The AFP has four broad areas in which

¹⁵ http://www.ediplomat.com/nd/diplomatic_immunity.htm

it engages internationally. The first is the international liaison network, whose members perform duties involving the exchange of criminal information with the countries to which the member is accredited. These members are generally resident in the Embassy or High Commission in a capital city and usually enjoy full diplomatic privileges and immunities. They travel on Diplomatic passports.

The second involves members deployed on missions such as United Nations peacekeeping, or regional police capacity development missions. These members do not usually enjoy diplomatic privileges and immunities, but travel on green Official Passports, which provides a degree of limited protection for matters directly related to official duties.

The third involves members who may deploy in response to emergency situations such as the bombings in Bali in 2002, the Boxing Day Indian Ocean Tsunami in 2004 and the response to the downing of Malaysian Airlines MH17 in the eastern Ukraine in 2014.

The fourth broad circumstance under which the AFP engages internationally is with global or regional police forums such as the Pacific Islands Chiefs of Police (PICP), the Association of South East Asian Nations Police forum (ASEANAPOL), the European Union Police forum (EUROPOL) and the International Police forum (INTERPOL). Members of the International Liaison network who /are permanently stationed in these organisations normally enjoy full diplomatic privileges and immunities, as discussed above. Those participating in such forums from Australia, generally travel on green Official Passports.

Diplomatic status generally has not been an issue of concern to AFP members deployed, as the AFP outlines some very strict behavioural guidelines expected of their members, including a number related to security, information protection, appropriate cultural behaviours, alcohol consumption and fraternisation, especially with host nation nationals. These are rigidly enforced and any breaches are usually met with immediate repatriation and internal disciplinary action. There have been circumstances where the AFP has been deployed in an active policing capacity, namely that AFP members, among others, have been required to enforce the domestic laws of the jurisdiction concerned, and that in order to do so they have been armed, as they would be when performing such duties in Australia. In such cases, the relevant use of force posture remains the same as that in Australia under AFP Commissioner's Order 3. This is in accordance with Peelian policing notions of self-defence or defence of a third person and requires that any force used must be minimum, used as a last resort legal, reasonable, necessary and proportionate to the threat posed. Furthermore, the use of lethal force must only be in self-defence or defence of a third person at risk of death or serious injury. The AFP has only deployed in an Executive Policing capacity on rare occasions, including in Cyprus in the very early days, in East Timor with the UNTAET mission, in the early days of the RAMSI deployment to the Solomon Islands and in the Enhanced Cooperation Program (ECP) in Papua New Guinea in 2005.

The ECP in PNG encountered a number of challenges relating to immunity. In recognition of the highly litigious nature of the Papua New Guinea community, a number of immunities relating to prosecution were sought and granted with the approval of the PNG Government. This, however, was successfully challenged by the Governor of Morobe Province in the PNG Supreme Court and the ECP was withdrawn. This is further discussed in the chapter on Papua New Guinea.

The police and the military

The American scholars, David Bayley and Robert Perito, in their book *The Police in War. Fighting Insurgency, Terrorism and Violent Crime* point out the distinction between the different roles police play from their military counterparts, best summarised by the statement that police are not ‘little soldiers’. Bayley and Perito were making reference to non-permissive environments and advocated the development of core policing as an element of counter-insurgency, but indicate that it is easier for the military to consider police as part of a security force because it fits within a military set of parameters.

Because the military, both foreign and local, is uncomfortable fighting unconventional wars, the great temptation is generally to substitute police for military units. Furthermore, it is easier to train local police as ‘little soldiers’ than as ‘professional, accountable, public-safety-oriented police’...Initial training for police is often as counterinsurgency, not as ‘serve and protect’ police....Core policing comes first, not last, in forging a new police force. If offensive counterforce is required, it should be done by the military...police contribute to counterinsurgency by winning the allegiance of the population; the military contributes to counterinsurgency by eliminating immediate threats of violence.¹⁶

This is easier said than done, particularly in a contested environment, without resort to forceful and intrusive policing methods which are inimical to consent-based liberal-democratic policing, in which the consent of the community underpins police legitimacy. A comparison of two counter-insurgency operations conducted by the British in Ireland and Malaya at the end of Chapter 1 discusses this in detail. It will be argued in the section on Afghanistan, that although the basic premise of this is correct, police are not ‘little soldiers’, AFP experience in Afghanistan between 2007 and 2014, runs counter to the premise that ‘serve and protect’ police are effective in a highly contested, violent and non-permissive environment, such as an active insurgency. This is particularly important when the host nation police themselves are corrupt, partisan, factionalised or otherwise compromised, as was the case in large parts of southern Afghanistan in the period the AFP deployed there.

A popular misconception, held by some military commentators, is that police are ‘little soldiers’, and are therefore ‘interoperable’ with their military counterparts. This may be the case in limited

¹⁶ Bayley, D. and Perito, R. (2010). *The Police in War. Fighting Insurgency, Terrorism and Violent Crime*. Lynne Rienner Publishers, London, pp. 76–77.

circumstances, particularly in relation to public order management or even in violent extremist situations, where high-end policing mandates and capabilities meet low-end military mandates and capabilities. What is overlooked in such considerations, however, is that the suite of skills and approaches brought by police to an increasingly complex problem set, is more than just security-related, and involves values, principles and approaches more akin to their diplomatic, or justice sector colleagues than their to military ones. In terms of post-conflict transition, the police play a vital role in progressing from the disruption created by conflict, to a stable environment, from which a sustainable peace can have a reasonable chance of being maintained. The police span the 'security-justice continuum', between military 'peace-making' and police 'peace-keeping'. Broadly stated by Briton Paul Sieghart in a complaint about excessive use of force by the London Metropolitan Police in 1978, in a Commonwealth country like Australia, *the job of a soldier is to kill the Queen's enemies in wartime; that of a policeman to protect the Queen's subjects in peacetime*.¹⁷ Due to a number of circumstances the international has merged with the domestic. As a result the distinction between external and internal threat is no longer as clear as it once was, and exactly who is the 'enemy' and how they are impacting upon the 'peace', is no longer the exclusive preserve of with the military or the police. Militaries are becoming increasingly involved in domestic security, and policing is now a global pursuit. Policing is becoming more forceful and intrusive, and militaries are learning to conduct duties which are not directly related to warfare.

The traditional broad divisions between police and military roles and responsibilities can be seen from the following table.

¹⁷ Sieghart, P. (1978) *Harmless weapons a threat to liberty?* New Scientist, 30 March 1978, p. 841.

Roles of the military and the civilian police ¹⁸

Comparison	Police	Military
Activities		
Principal Purpose	Law Enforcement/Crime Prevention	Combat deterrence
Objective	Justice	Victory/political aim
Focus	Law and Order-Internal	Security-External
Activity	Constant	Preparatory and Periodic
Relevant Law	Domestic Law	Law of Armed Conflict
Constitution	Instrument of Law/No political influence	Instrument of Policy/ Political Control
Accountability	Domestic Courts/Rule of Law	Chain of Command/Executive Government
Procedures	Gather Evidence/Need for Proof	Limited Information/Decisions under Uncertainty
Use of Force	Minimum	Graduated

Comparison	Police	Military
Individual		
Responsibility	Individual 'Office of Constable'	Primarily a member of a Unit
Duty	To the law/judiciary	To the State/Monarch
Knowledge	Law	Lethal Force
Unlawful Orders	Uphold the Law	Refuse Lawful Order
Status	Citizen with special powers	Citizen with no special powers
Service	Voluntary	Voluntary or Conscripted
Career	Starts 'on the beat'	Soldier or Office entry

¹⁸ From A.E. Hills *The policing of fragmenting states*, *Low Intensity Conflict and law Enforcement*, Vol. 5, No. 3, Winter 1996, pp. 334–354 at pp. 334–335 included in a chapter by McFarlane and Maley in a chapter titled *Civilian Police in UN peace operations: Some lessons from recent Australian experience*, in *United Nations Peacekeeping Operations: Ad Hoc Missions, Permanent Engagement* Ramesh Thakur and Albrecht Schnabel (eds), United Nations University Press, New York 2001, p. 187.

Comparison	Police	Military
Organisation		
Control	Local/Central	Central
Structure	Hierarchical	Strongly Hierarchical
Personnel	Uniformed/non-uniformed	Uniformed
Origins	Emerged in 19 th C	17 th C and earlier
Public	Direct relationship Practical cooperation	Desire for General Support Public esteem
Mobility	Limited	Part of core function

These traditional roles and responsibilities between police and military are becoming increasingly blurred, as law enforcement activities adopt more forceful and intrusive postures, and draw more on military-style techniques and equipment, in the face of a more challenging criminal environment.

One area in which police and policing has become more prominent is in the international arena, where police activities take on a more diplomatic hue, which remains largely unrecognised, as raised by Bowling and Sheptycki.

The essence of this thesis considers police and policing as acting between the ‘tracks’ laid down by conventional ideas of diplomacy. Track I diplomacy involves traditional diplomacy between official government representatives of nation states engaging in a formalised setting, and Track II diplomacy involves relationships between non-government organisations, and individuals in furtherance of diplomatic objectives. Both Track I and Track II diplomacy are ultimately aimed at the restoration or preservation of sustainable peace, stability and ongoing prosperity. As relative newcomers to the international environment, the police fall somewhere between these two ‘tracks’, but make significant contributions in the service of security, stability, peace and prosperity.

Jonsson and Hall highlight three primary and enduring elements of diplomacy: communication; representation and reproduction of international society. Communication, they argue can be verbal or non-verbal, public or private, and in a diplomatic sense, involves negotiating as well as gathering and transmitting information. They note that the advent of new communications technology has diminished *the role of diplomats, insofar as it has made direct communication between political leaders much easier at the same time as leaders often have to react instantaneously to international events, bypassing the diplomatic establishment.*¹⁹ In a

¹⁹ Jonsson and Hall (2005), p. 96.

representational sense, they argue that diplomats represent their principal *because they cannot 'be present' themselves or lack the required expertise* and that accountability is a crucial aspect of this element of diplomacy, as a representative is *someone who must eventually answer to whom he represents for what he does*.²⁰ Furthermore they state diplomats *act on behalf of principals, and also serve as symbols of their rulers and countries as well as certain ideas*.²¹ In relation to the 'Reproduction of International Society' they differentiate between inclusive and exclusive groupings and note that they can demonstrate homogeneous or heterogeneous characteristics. They note that when *socialisation is strong, the international society tends toward homogeneity; and when socialisation is weak, toward heterogeneity*.²² Policing in fact seeks to enhance the social contract within culturally appropriate contexts, therefore homogeneity per se is not what is sought, but broad adherence to internationally accepted police behaviours. As discussed above, this is in accordance with Hedley Bull's International Society conceptualization.

It will be asserted through this thesis that the AFP in its international duties, demonstrates all three of these elements of diplomacy: communication, both negotiation and reporting, representation of the Australian Government and of broader ideals of adherence to common law rights, and humanitarian principles, as well as encouraging conformity with international societal norms and behaviours. This thesis explores the role played by the AFP as an 'international' actor largely in the service of peace. This is deliberately distinguished from the AFP acting as a 'diplomatic' actor, which has connotations of the police acting in an official diplomatic capacity as agents of Australia's foreign service, which is the preserve of traditional diplomats or Track I diplomacy. As a government agency, the AFP represents the Australian Government, but only in an official diplomatic sense through AFP Liaison Officers, who are accorded official diplomatic status, privileges and immunities. The Department of Foreign Affairs and Trade (DFAT) maintains primacy at all times in Australia's international engagement, and the police form another effective facet to that primacy. The AFP, however, is a Government agency, and as such, its advisers, trainers, peacekeepers and other responders such as search and rescue and disaster victim identification members, whose efforts cover the bulk of this thesis, are not afforded diplomatic status like their liaison officer counterparts, and fall outside the accepted notion of Track II diplomacy, which relates to non-government actors. Nonetheless, whilst not being officially regarded as 'diplomatic' actors in the narrow sense, the actions and outcomes of these AFP members when engaged internationally are increasingly diplomatic in nature, influence and impact. To that extent, traditional theory is perhaps anachronistic, and requires a review to encompass the increasingly globalised world, and the contemporary actors within it, including the police, and the malign non-state actors they pursue. There is no place for a major revision of

²⁰ Jonsson and Hall (2005) pp. 100–101.

²¹ Jonsson and Hall (2005), p. 117.

²² Jonsson and Hall (2005), p. 126.

diplomatic theory in this thesis, however the discussion in relation to ‘boots on the ground’, international crisis response and normal police peer to peer relationships on an international level by the AFP, provides a sound foundation upon which such a review could be based.

Police and policing, on an international scale, falls between the notions of Tracks I and II diplomacy; it is rarely official diplomacy, nor is it non-government work. Between the traditional or ‘soft’ projection of state power and the ‘hard’ military projection of state power, there is an increasing requirement for ‘firm’ diplomacy in the form of the police. International circumstances are changing and they are no longer confined to government to government relationships in the form we have become accustomed to. Due to unprecedented globalisation of people and material and instantaneous communications, people to people relationships across the globe are now a reality. This phenomenon also includes non-traditional threats and challenges to peace, prosperity, public confidence, social cohesion and in some cases national sovereignty, which can only be addressed by the combined and co-ordinated efforts of all elements of the state, in ‘joined-up Government’.

In addition to increased demands on domestic police resources in the face of more widespread, complex and larger scale criminal activity, the demand for police internationally has increased exponentially in recent decades. In relation to the UN alone the growth in demand has been pronounced. As Caparini and Osland indicate:

*in 1988 some 35 civilian police were deployed in Cyprus, by 1994 there were 1667 UN civilian police deployed on international missions. This number had more than tripled to 5840 UN police deployed in 2000. The most recent UN figures indicate that over 13000 international police from 187 countries were deployed in February 2014 on 15 peacekeeping missions alone.*²³

The sorts of activities the police are involved in has grown from basic patrolling, monitoring, reporting and the provision of humanitarian assistance to interim law enforcement, training, advisory support, operational support largely in the form of para-military formed police units, police reform, capacity development and advisory roles in security sector reform and rule of law reform. The AFP has been active in all of these, with the exception of formed police units which are not a part of the Australian domestic police structures. The AFP has a Specialist Response Group (SRG), which provides a ‘high-end’ police capability for national and international response duties as required.

The relationship between ‘firm’ police and ‘hard’ military diplomacy, is reasonably well understood, at least conceptually in Australian security circles, and deals primarily with inter-agency ‘complementarity’ in an operational sense, and ‘transition and transfer’, in an intervention

²³ Caparini, M and Osland, K. *As Police Roles Grow in UN Peace Operations, Clearer Guidelines Needed*. March 19, 2014 <https://theglobalobservatory.org/2014/03/as-un-police-become-part-of-peacebuilding-clearer-guidelines-are-needed/>

sense. The former generally relies on guidelines and protocols, and the latter requires certain pre-conditions re 'permissiveness'. This will be discussed in the section on Afghanistan. The police-military relationship is usually discussed in the context of the security aspect of policing, such as public order or the enforcement of the law by use or threat of force. The most important thing to bear in mind in this context, is the police and the military are not interchangeable but are complementary. They have well-established roles in society, however, given the emerging nature of some of the threats and challenges to be addressed, the traditionally distinct lines of demarcation between what was once traditional military, and traditional criminal lines of authority and effort, are also becoming increasingly blurred. This is well understood and adjustments are being made in this regard in all western liberal-democracies, including Australia, as police adopt a slightly more militarised posture and the military becomes more engaged in constabulary and response types of duties. Increasingly, police are calling upon military capacity or niche capabilities to supplement their limited resources and capabilities. Perception is important in this regard. The spectacle of joint police and military patrols on the streets of major European cities such as Paris and Brussels are designed as public reassurance measures as well as response and deterrence capabilities. In a different threat environment they may well be perceived as oppressive and intrusive.

There has also been an observable trend in recent decades where the nature of conflict itself has changed, from predominantly inter-state conflict between sovereign states, to predominantly intra-state conflict, or conflict within established national boundaries. The dynamics underlying such asymmetric conflict are different and are related less to the interests of states themselves, than to the competing interests of those groups and individuals within these states. They include fissures emerging from culture, ethnicity, ideology, income or wealth disparity, resource competition, historically based animosities and crime. These are difficult to address by the use of 'hard' or military power alone, and requires supplementation by other actors, including police and justice sector actors. This has become increasingly understood in Australia, in large part by virtue of contemporary involvement of the AFP in regional police interventions and community-based police development efforts, particularly over the first fifteen years of the millennium.

Less understood is the relationship between 'firm' and 'soft' or traditional diplomacy which in a policing sense, often relates to 'international good citizenship' engagements such as traditional peacekeeping, police capacity development and training and advising projects and humanitarian-focused foreign aid projects, often funded by Official Development Assistance (ODA), in accordance with extant Australian foreign policy positions. In an international policing sense, this is a partially flawed funding model as there are both development and operational outcomes from police interventions, and the line between them is not easily discerned. In a similar vein to international relations and Tracks I and II diplomacy, the ODA formula, and its applicability to international police engagements needs to be re-visited. Again, there is no place in this thesis to

undertake or discuss such a review, but the thesis discussion itself will provide a clear foundation upon which such a review could be based.

Globalisation

The term globalisation has entered the lexicon over the past two decades and is used to explain the phenomenon of increased mobility and communicability of ideas, capital and people among other things. This has brought with it many positives including the ability to travel and communicate instantaneously on a global basis, increased cultural exposure and exchange, and a resultant understanding which has a tendency to minimise misunderstanding and thus conflict.

Globalisation, however, is not universally accepted, and in fact is explicitly rejected by some significant sectors of the global community which has significant implications for police. Anarchists, whose disruption caused significant damage in western cities such as London in 2011 and Hamburg in 2017, are two examples of anti-globalisation dispositions targeted specifically at the inequities attached to the global movement of capital. The rise of global Islamism is a rejection of the 'western' notion of globalisation and the advocacy of a global, or at least a regionally based Islamic caliphate in places like the Middle East, the Sahel and parts of South East Asia. The Chinese 'one belt one road' strategy challenges 'western' dominance of the globalised world and seeks to compete for hegemony in this sphere. There are other aspects to globalisation and its impact, such as some remote tribes in Papua New Guinea, who have lived in blissful ignorance of the rest of the human race, let alone the rapid globalisation of recent decades. Furthermore there are others, such as malign non-state actors including highly organised criminal syndicates, who utilise the mobility and communicability of globalisation to maintain the anonymity, impunity or immunity required to conduct their business. Throughout its relatively brief history, the AFP has engaged internationally, regionally and domestically and has encountered aspects of all of these phenomena in the course of carrying out its duties. The phenomenon of globalisation will continue to shape the way in which policing conducts its duties. This includes the way in which the AFP interacts with its domestic partners, particularly its State and Territory counterparts.

It should be acknowledged at this stage that in accordance with the way the former British colonies in Australia federated in 1901 to become the Commonwealth of Australia, the vast bulk of the day to day enforcement of the criminal law in Australia is done by the State and Territory police. The AFP enforces Commonwealth criminal law and deals with laws relating to narcotics importations, cyber-crime, major fraud against the Commonwealth, child exploitation including child sex tourism, as well as serious, transnational and organised crime. The AFP's international liaison officer network is a direct extension of this. The 'boots on the ground' peacekeeping and capacity development, and crisis response are ancillary to it. The authority to enforce the law

derives from the law itself, whereas the authority for ‘boots on the ground’ deployment is derived from policy and ministerial direction.

The AFP in its *International Engagement Strategy 2020 and Beyond* ²⁴ estimates that up to 70 per cent of serious crime in Australia has foreign origins or connections. As a national police agency, the AFP is the international representative of Australian policing when the Australian Government is called upon to provide police for international deployments such as UN missions. This is an aspect of the AFP’s international engagement which will be discussed in detail via a number of case studies in this thesis which will provide examples of the diplomatic effect of the AFP’s ‘boots on the ground’ and crisis response engagement.

Historically, the traditional modes of international engagement by any country are by diplomacy, or soft power, and when required, by defence or military forces, hard power. When speaking of either diplomacy or defence, the following should be borne in mind: it is not what diplomacy is, but why it is done, which is important, and in relation to defence, it is important to ask the questions what is being defended, and from what is it being defended? Bearing these in mind enables the value of effective international policing to be reflected in light of historical, contemporary and anticipated future contexts, and in each, the AFP has shown itself to be a distinctive aspect of Australian diplomacy, with reach and relationships few other countries can match. International diplomacy is generally conducted with perceived national interests as its primary goal, but there is a secondary beneficiary of effective diplomacy, which is good international citizenship.

Whilst traditional notions of ‘policing’ and ‘diplomacy’ may not automatically sit as natural partners, as has been previously discussed, international relationships, engagement and discourse are changing. We now talk of ping pong diplomacy, gunboat diplomacy, public diplomacy, cowboy diplomacy, dollar diplomacy, big Stick diplomacy, defence diplomacy, missionary diplomacy, science diplomacy, sport diplomacy. The obvious question is: why not police diplomacy?

In order to understand the way in which police and policing via the AFP has had a diplomatic influence and effect, one needs to move away from the definition of what a diplomat is and ask why diplomacy is done. The primary role of diplomacy is the peaceful resolution of disputes or conflicts with the minimal use of force or preferably without it. There are two broad underlying motivations for diplomatic engagement for any state: the first is to serve its own interests, however that may be defined, and the second is to serve international good citizenship. Both of these are important, and it is timely to remember that as the police are publicly funded, so too are diplomats.

²⁴ Australian Federal Police *International Engagement Strategy: 2020 and Beyond*, Commonwealth of Australia AFP 2017.

That funding is allocated by the Government of the day in accordance with its own policy priorities, however, the basis of those policies and of the funding which underpins its implementation, is ultimately derived from the taxpayer, a fact which should always be borne in mind. Diplomacy does not serve its own ends and in a liberal-democracy, it is the electorate, and specifically the taxpayer, to whom the Government of the day and its agencies, including its diplomats, owe due consideration. The Government works in the interests of its people, not the other way around. In relation to the underlying motivations for diplomacy, namely interests and international good citizenship, the thesis argues that if done thoughtfully, effective policing can serve both by detecting, deterring, disrupting and thus preventing crime offshore. This is to the benefit of both the host community as well as the Australian community and the broader international community. This tends to undermine some of the precursors to conflict in fragile or disrupted states, and thus works towards long-term 'peace and prosperity', two of the ultimate aspirations of traditional diplomacy. Thus police, although not seeking to act officially as diplomats as their primary role, have a diplomatic influence as a by-product of their actions in the international environment. This is 'diplomacy by default'.

Daryl Copeland in his 2009 book *Guerrilla Diplomacy* lists a number of qualities of 'new' diplomats. They include:

*autonomy, agility, acuity, and resilience; the ability to generate and use intelligence; personal and situational sensitivity; local knowledge, cultural awareness and linguistic and communication skills; irregular representational capabilities and characteristics; an affinity for collaboration and teamwork; functionality in conflict situations; connectedness to the global political economy of knowledge; the capacity, enhanced by science & technology act with suppleness and a catalytic and transformational orientation.*²⁵

Furthermore, it has been said that the qualities of a diplomat include *a quick mind, a hard head, a strong stomach, a warm smile and a cold eye.*²⁶ It is asserted that police, official diplomat or not, display all of the above characteristics as a normal part of their daily duties dealing with crises, crime, criminals, witnesses and victims, with humanity, compassion, impartiality and objectivity. Furthermore, it is asserted that because policing is a people-based endeavour, these qualities are shared by police both at the individual level and policing at the institutional level. This has been demonstrated by AFP in its international engagements over a fifty year period spanning the twilight of the Second Millennium and the dawn of the Third. These qualities are based on an agreed and mutually understood set of values, principles and approaches between liberal-democratic police, developed over centuries, in the British Isles, some dating from Roman times, transported to the Australian colonies where they were gradually adopted and adapted to suit the local environment and circumstances. These principles and values as discussed in this

²⁵ Copeland, D. (2011). *Guerrilla Diplomacy*. Viva Books, New Delhi, p. 207.

²⁶ Meyer, C. (2009). *Getting Our Way: 500 Years of Adventure and Intrigue: the Inside Story of British Diplomacy*. Weidenfeld and Nicholson. Orion Books, London.

thesis, as applicable to the AFP, are derived from three distinct, but mutually inter-related sources: common law principles, Sir Robert Peel's Nine Principles of Policing and the AFP's own values. These are the foundations upon which policing in Australia is based, and they form the basic framework of the notional 'social contract' between the Government and its people in Australia as a liberal-democracy. An understanding of this is integral to understanding the potential positive impact of effective, accountable, representative and responsible international policing. The terms of this 'social contract' have evolved over time, through legislation, enforced by the police and interpreted through the judiciary. The terms are not inflexible, but are subject to change within the basis foundational values, principles and approaches as outlined below. These can rightfully be considered inviolable.

The common law principles are assumed but not often stated. They apply directly to police and the way policing is done in a liberal-democracy such as Australia. The police are the ultimate guarantors of these principles, but ironically breach them in pursuit of their daily duties, hence the vital importance of legitimacy which underpins the public consent for them to do so. The common law principles as listed below are an abridged version of those which form an introduction to basic AFP recruit training. They have been developed over the past two millennia in the British Isles, at the cost of much blood and treasure and were transported to the Australian colonies with the First Fleet in 1788 as part of the 'pale empire of ideas' associated with an industrialised Britain and an expansionist British Empire. This will be discussed more fully in the body of the thesis. These common law principles can be summarised as: the right to life; the right to liberty; the right to the use and enjoyment of private property; the presumption of innocence; the principle that he who accuses must prove; that in order to establish guilt proof must be beyond reasonable doubt; and the principle that all crimes are committed against the Sovereign.

The significance of the latter principle relates to the fact that it is the Sovereign's police, acting on the authority of the Crown, which enforces these principles, in doing so, are often required to breach them, sometimes by use of force. It is this police monopoly of the use of force which creates an environment of stability and security, which in turn provides the foundations of the concept known as 'consent-based policing', common to all British-based legal systems.

The Peelian policing tradition

As a federation of former British colonies, the police in colonial Australia gradually adopted the Peelian approach to policing throughout the 19th century, commencing with the Colony of South Australia in 1838. Although attributed to Sir Robert Peel, the Home Secretary of the time, the principles were in all likelihood, compiled by the two joint Commissioners of the London Metropolitan Police, Charles Rowan, a soldier, and Richard Mayne, a barrister. The sentiments expressed in the *Nine Principles* reflect those contained in the *General Instructions*, first

published in 1829, which were issued to every member of the Metropolitan Police. Noteworthy is the emphasis on prevention of crime, with minimal use of force, as the most important duty of the police.

Peels Nine Principles were as follows:

1. To prevent crime and disorder, as an alternative to their repression by military force and severity of legal punishment.
2. To recognise always that the power of the police to fulfil their functions and duties is dependent on public approval of their existence, actions and behaviour and on their ability to secure and maintain public respect.
3. To recognise always that to secure and maintain the respect and approval of the public means also the securing of the willing co-operation of the public in the task of securing observance of laws.
4. To recognise always that the extent to which the co-operation of the public can be secured diminishes proportionately the necessity of the use of physical force and compulsion for achieving police objectives.
5. To seek and preserve public favour, not by pandering to public opinion; but by constantly demonstrating absolutely impartial service to law, in complete independence of policy, and without regard to the justice or injustice of the substance of individual laws, by ready offering of individual service and friendship to all members of the public without regard to their wealth or social standing, by ready exercise of courtesy and friendly good humour; and by ready offering of individual sacrifice in protecting and preserving life.
6. To use physical force only when the exercise of persuasion, advice and warning is found to be insufficient to obtain public co-operation to an extent necessary to secure observance of law or to restore order, and to use only the minimum degree of physical force which is necessary on any particular occasion for achieving a police objective.
7. To maintain at all times a relationship with the public that gives reality to the historic tradition that the police are the public and that the public are the police, the police being only members of the public who are paid to give full time attention to duties which are incumbent on every citizen in the interests of community welfare and existence.
8. To recognise always the need for strict adherence to police-executive functions, and to refrain from even seeming to usurp the powers of the judiciary of avenging individuals or the State, and of authoritatively judging guilt and punishing the guilty.
9. To recognise always that the test of police efficiency is the absence of crime and disorder, and not the visible evidence of police action in dealing with them.²⁷

²⁷ *The Principles of Good Policing*. Civitas (The Institute for the Study of Civil Society)

<http://www.civitas.org.uk/pubs/policeNine.php>. It is worth noting that these policing principles followed a decade of attempts to form an organised police body in London, and that they followed excessive use of military force causing multiple casualties in several public order situations, including the Gordon Riots in London in 1780 and the Peterloo Massacre near Manchester in 1819. The latter was condemned by Wellington who called for reform. Sir Robert Peel was Home Secretary and had some experience of

These policing principles were inculcated directly into the AFP in 1979, following a report in 1978, by Sir Robert Mark a former Commissioner of the London Metropolitan Police. This was a relatively straightforward process because policing in Australia via the State and Territory police had already adopted this approach via their colonial predecessors. Institutionally and individually, police consciously and unconsciously monitor, regulate and enforce the social contract between the community and its government which was summarised by Sir Robert Mark in his 1978 Report where he stated:

*We are very few in number and we are for the most part unarmed. We live among the communities we serve and our mobility is necessarily limited. Our authority under the law is strictly defined and we are personally liable for the consequences whenever we invoke it. We play no part in determining guilt or punishment and our accountability to the courts both criminal and civil, to local police authorities, to Parliament and to public opinion is unsurpassed anywhere else in the world... We do not act at the behest of a minister or any political party, not even the party in government. We act on behalf of the people as a whole and the powers we exercise cannot be restricted or widened by anyone, save Parliament alone. It is this which above all else determines our relationship with the public, especially in relation to the maintenance of public order, and allows us to operate reasonably effectively with minimal numbers, limited powers and by the avoidance of force, or at least the use of such force as will be approved by the courts and by public opinion.*²⁸

This is the essence of liberal-democratic, consent-based policing where, as an institutional representative of both the community and its government, the police represent government by consent rather than by coercion; prestige rather than power. The significance of this for police is the community generally resolves its own disputes and settles its own affairs freeing up scarce police resources to address more serious issues.

The AFP itself has a number of values which it inculcates at both the individual and the institutional level. They reflect the way in which any member of the public would expect to be dealt with by police and are broadly reflective of both the common law and Peelian principles. They include the following: Fairness, Accountability, Commitment, Excellence, Integrity, Trust and Respect. The inclusion of 'service' is one recommendation which will emerge from the discussion in this thesis, based upon the past, present and future tasks and duties performed by the AFP. The rationale behind this should become evident from the case studies provided in this thesis.

organised policing as Chief Secretary for Ireland. The London Metropolitan Police was based largely on the Dublin Metropolitan Police. There was a deliberate intent to avoid the continental models of policing which were seen as too forceful and intrusive.

²⁸ Mark, R. (1978). *Report to the Minister for Administrative Services on the organisation of police resources in the Commonwealth area and other related matters*. Canberra: Australian Government Publishing Service.

The research question

The specific question this thesis addresses is whether the efforts of police and policing, when engaging on an international basis, should be assessed for their ‘diplomatic’ influence and effect in addition to their ‘operational’ outcomes and impact. The argument this thesis presents in answering this question is that the combined diplomatic effect of effective international policing interventions or operations, is as important as, or in some cases, has greater far-reaching long-term diplomatic implications, than the immediate operational effect of any individual intervention or mission. This is based on observations drawn from the experience of the AFP which has had continuous engagement in the international arena in various capacities, since 1964 when a small Commonwealth Police contingent was sent to the troubled island of Cyprus. The police were sent in lieu of an Australian military contingent, as part of a larger British-led, United Nations military intervention. The thesis covers the 53 year period 1964 to 2017 when they finally withdrew from Cyprus, and discusses the majority of the AFP’s international engagement in this period.

This time-span of more than half a century is a significant period of time covering the end of the Second Millennium and the dawn of the Third, and can rightfully be called an era. This era covers the post 1945 events influenced by the global dynamics of the time, including the new internationalism and post-colonialism advanced by the newly-formed United Nations and the Cold War power plays amongst the global superpowers which emerged from the ashes of 1945: the communist and autocratic Union of Soviet Socialist Republics (USSR) and People’s Republic of China (PRC) and the democratic and capitalist United States of America (U.S.). On occasion new internationalism, post-colonialism and Cold War power plays were conflated in civil wars which became proxy wars of the great powers, or wars of national liberation. Once the victor was decided and the great powers or colonial administrations vacated the field, the resultant power vacuum was often filled by others of dubious credentials. This occurred in Cambodia, Mozambique, East Timor and Afghanistan, countries to which the AFP has deployed in various capacities. The consequent turmoil sometimes resulted in severe human rights abuses to which the ‘west’ reacted in varied ways. The AFP played a role in several of these responses, to restore, build and keep the peace.

The AFP is well positioned within government law, intelligence and security circles in the Australian domestic environment, and internationally through an extensive liaison officer network and in regional policing forums both in South East Asia, the South West Pacific and elsewhere. Effective international policing has never been so important in linking the international with the domestic. In every sense of the word ‘diplomacy’, Australian policing through the AFP has shown itself capable and ready to respond effectively to extant and emerging criminal challenges, and as such has earned a rightful place in foreign policy discussions and considerations, as it provides a unique direct link between the global, the regional and the

domestic. Australian international policing efforts should therefore be viewed as ‘diplomacy by default’ and the police themselves as ‘inadvertent diplomats’. Diplomacy is not the primary objective of their activities but their influence and impact are diplomatic in nature.

At the dawn of the Third Millennium global affairs are entering an age where effective policing has never been more important or in greater demand. This is applicable in domestic environments in all nations, but is also extremely important in the international environment, where the rapid transfer of information relating to criminal activity between trusted partners plays a significant role in the immediate prevention of potentially catastrophic events, but also underwrites community confidence in the institutions which exist solely to serve them. As a founding member of the UN, Australian foreign and defence policy should be aimed primarily at saving succeeding generations from the scourge of war, in other words it should be aimed at sustainable peace. The 17th century Dutch philosopher Baruch Spinoza, in a rejection of Hobbes definition of peace as the ‘absence of war’, is quoted as stating that peace is not an absence of war, it is a virtue, a state of mind, a disposition for benevolence, confidence, justice.²⁹ The eminent physicist and a leading thinker of his age, Albert Einstein is often quoted as stating, ‘*peace is not merely the absence of war but the presence of justice, of law, of order-in short, of government*’.³⁰ George Washington stated that ‘*the due administration of justice is the firmest pillar of good government*’.³¹

Effective policing within a legitimate justice system can play a significant part in such lofty endeavours both from a pro-active prevention perspective and also a re-active response perspective in post-conflict environments. Prevention and response are the two activities which British-based, liberal western policing has been involved in domestically for almost two centuries. It is a very stable model, which was spawned in the Industrial Revolution, developed during the expansion of Empire, tested during the decline of that same Empire and which has survived serious challenges both internal and external. This form of policing is in fact one of the hallmarks of democracy, but its perpetual continuation cannot be presumed. Demographic pressures alone pose a challenge to this presumption as social cohesion and trust become strained. To that extent it could be argued that it is preferable that liberal-democracies export their acceptable values rather than import the world’s unacceptable ones, and that effective and accountable policing on an international level is very much a part of that approach.

²⁹ *Spinoza’s Political Philosophy*. Stanford Encyclopaedia of Philosophy. First published April 2008, re-published October 2013 <https://plato.stanford.edu>

³⁰ Einstein, A. cited in Vesilind, A. (2005) *Peace Engineering: When Personal Values and Engineering Careers Converge*. Lakeshore Press, p. 43.

³¹ George Washington quoted in Sparks, J. (1853) *The Life of George Washington* Little, Brown and Company Boston, Massachusetts, p. 53.

One of the questions to be addressed in this analysis is, can this consent-based model of policing within a flexible social contract be replicated on an international scale? The answer is yes, but with some important qualifications.

Most peace operations are conducted by international military forces, for two main reasons: most conflict has been traditionally inter-state in nature and military forces are oriented for such conflict. As such the military is generally the first option for any nation to send in response to international calls for assistance. However, as discussed, the nature of conflict has changed and the trend is now more people-centric than state-centric. This naturally involves elements supplementary to military force. Ideally, the aim of peace operations should be to transition from an international military-led guarantee of safety and security, to a democratic host nation-led society under the rule of law which can stand alone with little or no international assistance. It is only under the latter that economic development and community harmony, which are usually associated with such development, are made possible. Effective and accountable host nation police primacy and responsive policing have vital roles to play in this process, and are the hallmark of true state sovereignty. Interventions by international police can play a significant role in these sorts of transition and the AFP has a demonstrated history of successful sizeable interventions in East Timor and the Solomon Islands, both of which will be discussed in the thesis.

International policing should therefore be considered as a form of ‘firm’ diplomacy, namely ‘police diplomacy’ which includes aspects of international police activity designed to utilise ‘police to police’ and ‘police to community’ linkages more broadly to build upon common ground when more traditional approaches may find barriers. Such common ground includes a mutual desire, and indeed a duty, to prevent and respond to crimes common to all societies such as violent extremism, organised criminal activities, child exploitation, narcotics and cyber-crime to name a few. It is this distinctive feature of police relationships which distinguish them from more traditional international relationships such as traditional diplomatic or even more so, military relationships, which at their very core often rely on seeking advantage over their international counterparts. It is in this aspect of ‘advantage’ that police differ from both traditional diplomats and military actors. Police perform better when they cooperate rather than compete with each other, to the mutual benefit of their respective citizens. In fact, police are at their most effective when that cooperation and collaboration is maximised and competition minimised. The AFP’s international experience demonstrates this. In that sense, operational policing support and police capacity development missions nest seamlessly with the strategy to protect the Australian community from crime by firstly addressing crime as close to its source as possible, and secondly by helping our neighbours develop their own capabilities, safety, security and eventual peace and prosperity. This inevitably involves police development defined by the AFP as:

the support provided to police in post-conflict and developing nations to build their capacity to provide sustainable and quality policing to their citizens. This support

develops the operational capacity, enabling services and leadership that police services require to be accountable to their citizens and to build and maintain the legitimacy required to support the delivery of the rule of law.^{32, 33}

One aspect which is often overlooked in discussions relating to police development and assistance is a return to a state of stability. Such a state of normalcy enhances the ability for the rapid transfer of criminal information and intelligence between trusted policing partners, which in the contemporary criminal environment is of vital importance. This form of police to police relationship is the basis upon which the AFP has operated domestically with its whole of government counterparts, including with each State and Territory police agency, and also internationally as part of a global international police liaison officer network. This relates directly to the diplomatic element of communication as mentioned by Jonsson and Hall, as all aspects of police work involve negotiation as well as the collection and transmission of information, both of which are integral to effective policing.

Overview of thesis

The thesis follows a chronological explanation of the evolution of liberal-democratic policing and its underlying principles in the British Isles and their adoption and adaptation in colonial Australia, which laid the foundation for their adoption on a national level when the AFP was established in 1979. The timeline then advances to the second half of the 20th century when a combination of UN inspired post colonialism and Cold War dynamics in Australia's near North, created a situation where Australian police were deployed in 1964 as a part of a United Nations peacekeeping mission in Cyprus in the eastern Mediterranean, known as the United Nations Force in Cyprus (UNFICYP), in lieu of the Australian military. This was the beginning of a continuous 53-year presence with UNFICYP during which the AFP was established in 1979, and deployed members to other UN missions, including UNAMET to East Timor in 1999, once again in lieu of the Australian military.

A series of events between 1999 and 2002 created a new security paradigm in which Australia, and the AFP became prominent in foreign policy considerations, particularly in the South West Pacific through the AFP's International Deployment Group (IDG) and South East Asia through the AFP's International Liaison Officer Network. The thesis contextualises decisions concerning international engagement by the AFP within global, regional and domestic environments and circumstances throughout the first two decades of the 21st century and Third Millennium, including those of Australia's major security guarantor, the United States of America. This includes the resurgence of both China and the Russian Federation as global competitors to

³² AFP International Deployment Group 2010

³³ Please see Appendix B: Police Capacity Development and the Rule of Law, for an explanation of the connection between police capacity development and the rule of law.

dominance by the U.S.-led 'western alliance'. It also includes the rise of global ideologically inspired violent extremism, within the rapid and unprecedented global connectivity in both technological and demographic terms, both of which are enduring features of the contemporary international environment, with implications for police and policing, and by definition, social cohesion, the social contract and the community trust which underpins them.

The sequence of chapters commences with a discussion of democracy and the role liberal-democratic policing plays within it, and the way in which this evolved in Australia through its 19th century colonial period and was consolidated at a national level in the 20th century. It then moves to a discussion on AFP involvement with the UN in Cyprus, Cambodia, Mozambique, the Thai-Cambodian border and briefly with Somalia, as well as some non-UN missions in Haiti and Bougainville. The overall observations made in relation to these missions is that they were primarily related to international good citizenship, with very little connection with regional or domestic considerations or the national interest. These missions did, however, consolidate the role of the AFP as an international actor, albeit for missions distant from Australia both in geographic and political terms.

This changed in 1999, with an AFP-led deployment to East Timor with the UN, (UNAMET), which had considerable, and competing, domestic, regional and international implications. This mission, and the subsequent Australian-led military mission known as INTERFET, was of particular significance to the relationship between Australia and Indonesia. It should be borne in mind that Indonesia is the largest Muslim-populated nation in the world, and in the context of a growing level of violent Islamic-inspired extremism, particularly the attacks on the World Trade Centre and the Pentagon on September 11, 2001, the peer-to-peer police relationships between the AFP and its Indonesian counterparts played an extremely important role at a crucially sensitive time for both Australian and Indonesia. A bombing on the Indonesia island of Bali in 2002, discussed in detail in a section of the thesis, re-set the police to police relationship between the AFP and the Indonesian National Police, which continues to prosper.

In 2003, the AFP led the security element of a multilateral regional intervention in the Solomon Islands in the Regional Assistance Mission to the Solomon Islands (RAMSI) which also concluded in 2017 after 14 years. In a similar vein to the intervention in East Timor/Timor Leste, the Solomon Islands intervention provides an example of a successful transition from an international guarantee of safety and security to a guarantee provided by the host nation police: one of the hallmarks of national sovereignty.

The successes in Timor and the Solomon Islands, and a number of political developments arising from a military coup in Fiji in 2006, including the rise of the Melanesian Spearhead Group (MSG) and its 'Look North' posture, resulted in the AFP enhancing its International Deployment Group (IDG) and developing a program known as the Pacific Police Development Program (PPDP) with

involvement in Papua New Guinea and in the Polynesian nations of Tonga and Samoa, as well as Vanuatu. The PPDP also has a regional extension known as the PPDP-Region (PPDP-R) which provides police advice to the vast, but sparsely-populated island nations of Micronesia.

International Deployment Group

The International Deployment Group (IDG) was formed in 2004 as a result of demands placed on the AFP by large police missions in Timor Leste and the Solomon Islands. The IDG was a separate portfolio within the AFP and was headed by a SES Band 2 (2-Star) National Manager (National Manager IDG-NMIDG). The IDG was based in Majura just north of Canberra Airport and had three broad components: the mission component, the A-based component and the Operational Response Group (ORG). It was given extra emphasis in 2006 following several outbreaks of violence in the Pacific, in Dili, Timor Leste, Honiara, Solomon Islands and Tonga.

The mission component involved members actually deployed to missions from a general pool of suitable members trained through the IDG-designed-and-run Pre-Deployment Training (PDT), which was conducted in classrooms and a specific training village also located at Majura. These mission pool members were utilised in accordance with a 'hubbing' concept when not actually deployed or on leave. This involved working in areas in the AFP which did not involve operational work likely to result in a court appearance. This became slightly problematic as police members 'hubbing' could not be fully employed to their full capacity. It was a compromise solution with many such members working on the Mission Support Desks within the A-Based component.

The A-Based component was the support mechanism for the training and administration of the mission component and included the IDG Executive, led by the National Manager IDG (NMIDG), the Mission Support Desks, a training component and a small logistics element. In addition to Timor Leste and the Solomon Islands, the IDG supported a number of other missions, including UN missions in Cyprus, Sudan and South Sudan, capacity development missions in Tonga, Samoa and Vanuatu, the Enhanced Cooperation Mission in Papua New Guinea, operations Contego, Synergy and Illuminate in Afghanistan and the Pacific Police Development Program-Regional, a fly-in, fly-out capability development mission in Micronesia. The IDG also managed the police response to the Northern Territory intervention and the responses to the Victorian bushfires and to the Wellington earthquake.

The ORG was the specialist component which included tactical operators, negotiators, marine and aviation specialists as well as a number of other capabilities such as public order management.

The IDG was amalgamated with the broader international liaison officer network in a newly named International Operations (IO) portfolio in 2015. IO is headed by a SES Band 3 level

National Manager International Operations (NMIO). The IO portfolio manages all of the international operations and missions conducted by the AFP. IO is based in the AFP HQ building in Canberra, known as the Edmund Barton Building. The logistics and ORG elements of the old IDG remain at Majura and became AFP-wide assets, as the ORG was amalgamated with its ACT Policing counterpart, the Special Operations Team (SOT), to become the Specialist Response Group (SRG). The SRG is available for response throughout Australia including Norfolk Island in the Pacific and Christmas and Cocos (Keeling) Islands in the Indian Ocean, as well as internationally to the region as required upon request and assessment by the Australian Government.

Working with other international police

Naturally liberal-democratic police agencies such as the AFP can occasionally encounter challenges when working with international police due to varying histories, cultures, roles, degree of politicisation, factionalism, training, competence and general benevolence. When the IDG was established in 2004, it was formed on the basis of increased involvement in RAMSI. The IDG trained all participating police from the 14 Participating Police Force nations, including Australia, but not New Zealand, and assessed all participants equally in scenario-based training prior to deployment. In this way the AFP IDG concept attempted to address some of the issues which sometimes bedevil United Nations missions involving large police components, including ‘hyper-pluralism’, which as Brown, Stiernblad and Durch have identified, risks inadvertently undermining sound institution building, primarily related to differing policing approaches and environments from which they are drawn, which can sometimes confuse the host nation police.³⁴

This runs counter to the approach advocated by O’Rielly, former member of the Royal Canadian Mounted Police and Police Commissioner in the Former Yugoslavia who stated

*A thing that I am against, I would never agree on is having national contingents working one area. To be an international organization they have to be split up... [T]hat is the beauty of bringing police officers into a mission where you have 25 or 30 different nations working together. They all consider themselves as police officers, helpers of the people, problem solvers for the people... working together in stations, in the field, and divided up. Not working as a contingent, but 3 or 4 people in the station from each contingent... no more than 4, from these contingents in any station of 25 or 30 people because they learn from each other... they helped each other and they worked as police brothers.*³⁵

³⁴ Brown, M. Stiernbald, H. and Durch, W. (2014) *Principles of International Police Command Background Paper for the SGF Thematic Meeting on Police Command*. 2014. p.15.[<http://trainingforpeace.org/wp-content/uploads/2014/12/SGF-Principles-of-International-Police-Command.pdf>]

³⁵ Chappell, D. and Evans, J. (1997) *The Role, Preparation and Performance of Civilian Police in United Nations Peacekeeping Operations*, Sydney. Annex I: Personal Observations of a Police Commissioner in the Former Yugoslavia. p. 154.

The national sector approach was adopted in a traditional peacekeeping mission such as UNFICYP, where sectors were allocated to national military components with corresponding nationally based civilian police components. For example, in one sector in 1996 the military component was from Argentina and the police from Australia, in another sector the military component was British and the police component from Australia, and in the third, the military was from Austria and the police from Ireland.

The multi-national approach was certainly the case in the UNAMET deployment to East Timor in 1999 where Australian police worked alongside police from Britain, Ireland, the United States, Spain, Malaysia, the Philippines, Zimbabwe and many others. It should be noted, however, that the UN police were not enforcing the law in this particular mission, but were advising their Indonesian National Police counterparts in a highly-charged political environment.

Between 2007 and 2013 the IDG was called upon to provide AFP members as part of the counter-narcotics effort in Afghanistan and later as part of U.S. President Obama's transition and transfer strategy in Afghanistan. This involved a changed strategic posture from a military Counter-Terrorism strategy to a population-centric Counter-Insurgency strategy, involving training and mentoring large numbers of Afghan National Police. This involved liberal-democratic police such as the AFP in a highly contested and non-permissive security environment. The reticence by the AFP to engage in highly risky activities with questionable benefit, as part of 'Team Australia' under the discordant Provincial Reconstruction Team (PRT) construct, created a degree of reputational harm in the eyes of the government of the day, and undid much of the credibility the AFP had built up in the eyes of the previous government. It will be asserted that this was not really the fault of the AFP, rather it was due to a political imperative which saw the wrongful application of an instrument of government in an environment and for purposes for which it was not intended nor designed.

This credibility was recovered in a significant way with an immediate and highly effective response to an unexpected but tragic incident involving the shooting down of a Malaysian Airlines plane over eastern Ukraine in 2014, in which evidence obtained by AFP members could contribute to international travel restrictions being placed upon representatives of an emergent super-power.

There is an entire chapter devoted to the location of the AFP within the machinery of government domestically, which combined with its widely dispersed International Liaison Officer Network, plays a vital role in widening the thin blue line of domestic policing in every country to a wide blue network, when such a network has never been so important in a world of globalised serious, organised and occasionally violent criminal behaviours, which is explained in the final chapter. This chapter also discusses a number of future trends which will have implications for police and policing, especially the fine balance between maintaining observance of traditional individual

rights and freedoms, and heightened community expectations of safety, security and freedom from crime.

The final observation from the thesis with an attendant suggestion is that the structure, interconnectivity and actions of the AFP, as one of several 'thin blue lines' of policing, domestically, regionally and globally, serve as a guideline for the way in which values-based policing could be considered more broadly. The proposition is that this extension of 'thin blue lines' into an effective network, a 'wide blue net', serves diplomatic ends by underwriting peace and prosperity, whilst simultaneously balancing individual rights and freedoms with broader community expectations of safety, security and freedom from interference by malign non-state actors such as organised criminals and violent extremists. As previously stated, it is preferable that Australia export its liberal-democratic values rather than import the illiberal values of violent extremists and organised criminal groups. It is this peer to peer networking between trusted partners, which goes some way to addressing Slaughter's globalisation paradox. If conducted properly, globalised policing is not something to be feared, but is something to be embraced, respected and encouraged. The case studies provided in this thesis are demonstrations of how such globalised policing can be achieved, without compromising national sovereignty.

The thesis concludes that although not officially acknowledged as a 'diplomatic' actor, the AFP is an 'international' actor whose activities, actions, responses, influences and effects are diplomatic in nature. The thesis furthermore will conclude that traditional theory which categorises diplomacy as official Government Track I diplomacy and non-government engagement as Track II diplomacy should be reviewed to account for the new actors in the globalised environment. In addition, as a result of this reconsideration of police activities as 'diplomatic' in influence, the funding model under existing OECD DACC ODA guidelines under which many police programs are funded, should also be reviewed. At a more localised domestic level, a further recommendation relates to the status of police who have served in certain dangerous missions as 'veterans' who should be treated in exactly the same way as their military counterparts. This is an important aspect of harmonious, seamless and equitable Australian whole-of-government interventions.

The final conclusion from the thesis is that the distinctive nature of AFP activities in the past, and likely future roles and activities, including responding to unexpected crises, are in fact, 'diplomacy by default'.

Chapter 1: Democracy, Peace, Prosperity and Progress Based on Values and Principles

Overview

In their 2012 book *Global Policing*, Bowling and Sheptycki, touch on the nexus between the social contract, colonialism and the use and abuse of state power. They quote Thomas Hobbes' *Leviathan* of 1651, John Locke's *Second Treatise of Government* of 1689 and Jean Jacques Rousseau's 1762 treatise *The Social Contract*.

Summarised, Hobbes argued that [l]aw is dependent upon the sanction of the sovereign and the government without sword are but words of no strength to secure a man at all. At the opposite end of the scale Rousseau argued that freedom happiness equality and liberty existed in primitive societies prior to social contract, but a new form of social organisation-the state was formed to assure and guarantee rights liberties freedom and equality.³⁶ Between these two extremes John Locke the British philosopher argued that [t]he purpose of government and law is to uphold and protect the natural rights of men – when it ceases to fulfil it then the laws have no validity'.³⁷ All three influenced the American *Declaration of Independence* in 1766, which had an influence on both the reason the Australian colonies were settled and how the social contract evolved within these colonies throughout the 19th century. Noteworthy is that the period in which both Hobbes and Locke wrote preceded the *Glorious Revolution* and its *Bill of Rights* of 1688, as well as what became known as the *Bloody Code*, which sentenced so many to transportation to Australian colonies.

The French philosopher, Francois Marie Arouet, Voltaire, in juxtaposing the absolute power of the French monarchy with the Constitutional Monarchy he observed in England, noted of English law that:

*The English system was the one that all of humanity would choose if they were given the choice to make laws...giving back to each man all his natural rights, which people have been stripped of in nearly all monarchies. These rights are: the complete liberty of the person and of his possessions; to speak to the nation through the instrument of the pen; to be tried in any criminal matters only by a jury made up of independent men; to not be judged in any matter except by the precise terms laid down by the laws; to follow in peace any religion one desires... I dare to say that if you assembled all of human kind to draw up laws, this is how they would frame them for their own safety.*³⁸

³⁶ <https://www.britannica.com/topic/social-contract>

³⁷ <https://plato.stanford.edu/entries/locke/>

³⁸ Voltaire *Philosophical Dictionary* (1764) quoted in Adcock, M. *The Enlightenment*. Nelson Cengage Learning. South Melbourne, Australia 2014, p. 56.

These are the common law rights which underpin British-based liberal democracy, which are part of to social contract in Blainey's *pale empire of ideas* which remain in Australia after the actual physical empire has ceased to exist. In relation to colonialism, Bowling and Sheptycki argued that:

[t]he social contract is the key to police legitimacy and forms the basis of the liberal idea of policing by consent ... Policing was central to the colonial system and imperial domination. It was used to impose European standards of legality... European legal institutions of police and courts were used, along with other ideas, to impose modernity upon the globe. Policing was the lynchpin of the colonial project. Military authorities attended to 'constabulary duties' as well as being an 'army of occupation' ... Very often colonisers encountered organised resistance to the imposition of outside rule and in such circumstances this was responded to with what would nowadays be called counter-insurgency operations.³⁹

Australia also experienced this, particularly in relation to its indigenous inhabitants; however, despite some abuses of power by the colonial authorities, the Australian experience of transitioning from a military autocracy to a vibrant democracy was steady and was punctuated by a series of incidents, which if seen through a police prism, reveal a slightly different perspective from the widely accepted historical orthodoxy of the Australian colonial experience.

The adoption of the Peelian policing tradition in 19th century colonial Australia, and at the national level when the AFP was established can best be understood through the role the Crown plays in ensuring both restraint on authority and accountability at the individual level. As Goldstein points out:

democracy is heavily dependent upon its police, despite their anomalous position, to maintain the degree of order that makes a free society possible. It looks to its police to prevent people from preying on one another; to provide a sense of security; to facilitate movement; to resolve conflicts; and to protect the very processes and rights – such as free elections, freedom of speech, and freedom of assembly – on which continuation of a free society depends. The strength of a democracy and the quality of life enjoyed by its citizens are determined in large measure by the ability of the police to discharge their duties.⁴⁰

This chapter will explore the notion of 'consent-based legitimacy'. This is a vital concept in any discussion of the AFP and policing, particularly in a liberal-democratic sense. In many policing contexts, control is maintained more by force or the threat thereof, rather than by community self-regulation with organised police support, as in liberal-democratic societies. The chapter considers the evolution of a distinct police identity and the development of the legitimacy of this identity, from its origins in the British Isles, its transportation to the Australian colonies and its adaptation to local circumstances including federation. The focus is on the formation of the AFP, and its evolution as international peacekeeper with the United Nations and its domestic crime duties.

³⁹ Bowling and Sheptycki (2012), Ch. 1.

⁴⁰ Goldstein, H., *Policing a Free Society*, Cambridge, Mass: Ballinger Publishing Company, 1977, p. 1.

The significance of oaths

In 1728 Voltaire visited England and later published *Letters Concerning the English Nation* in 1733 in which he wrote: *'The English are the only people on earth who have been able to prescribe limits to the power of kings by resisting them; and who, by a series of struggles, have at last established that wise form of government where the prince is all powerful to do good, and at the same time is constrained from doing evil.'*⁴¹ This incurred the wrath of the French King, who was an absolute monarch and whose excesses resulted in the French Revolution. Britain did not suffer the same fate as France, because it balanced the power of the King with that of Parliament in a Constitutional Monarchy.

One of the mechanisms which gives power to do good and constrain power to do evil, is to temper the natural impulse of the political class to pursue power, with an apolitical entity with benevolence and fairness as its core *raison d'être*. In British-based liberal-democracies, this entity is the Crown, which within a Constitutional Monarchy remains the sole enactor of laws.

Kings, princes and politicians, may possess authority, and the ability to pass laws, but it is those in their service who exert that power by force of arms if necessary. These forces are the military and the police, which have traditionally been focused externally and domestically respectively. Military force is a familiar concept and requires no further explanation at this point. The relationship between the Crown and the police, as a significant component of the criminal justice system reflects a broader benevolence which is a feature of British-based common law systems. This benevolence is based upon strong adherence to objectivity and impartiality in the administration of the criminal law in favour of those accused of criminal activities. This is demonstrated by the oaths of office taken by police, whose wording they share with the judiciary, namely to carry out their duties *'without fear, favour, affection or ill-will'*. These words form an integral part of the oaths of both police and judges and oblige them to act impartially and objectively. They are oaths sworn by both police and judges, to the Monarch, Her Majesty Queen Elizabeth the Second and Her Heirs and Successors according to law. The pivotal role played by the Crown in Australia's system of government is important to grasp, because it is the apolitical nature of this entity, the Crown, which plays a part in denying the potential for partiality, subjectivity or undue influence to play a role in public affairs. The institution of the Crown is a robust and elegant mechanism which effectively balances authority with accountability, both vital ingredients underwriting the element of trust which is so vital in the impartial and objective administration of justice, particularly criminal justice. The benevolence in this regards is further guaranteed by the Coronation Oath, sworn by Her Majesty when she took the Throne on 2 June 1953, which is discussed further below.

⁴¹ Adcock, M. *The Enlightenment*. Nelson Cengage Learning. South Melbourne, Australia 2014, p. 55.

Dating from the restoration in England following Cromwell's failed administration and inherited in the Australian parliamentary system, the Crown plays a central role in the founding governance of the Australian Federation, as a third element in the passage of legislation through the Federal Parliament. Often overlooked in daily political discourse, the Crown is actually a part of the Parliament, by virtue of the role played by Royal Assent, usually performed by the Governor General. Refusal to grant Royal Assent is a significant, but rarely invoked feature of the Westminster system of government, but by its mere presence, it formally serves as a restraint on parliamentarians. This is embedded in Australia's founding document, the Australian Constitution.

*The Australian Constitution 1901*⁴² states:

Section 1. Legislative power

The legislative power of the Commonwealth shall be vested in a Federal Parliament, which shall consist of the Queen, a Senate, and a House of Representatives, and which is hereinafter called 'The Parliament', or 'The Parliament of the Commonwealth.'

Section 2. Governor-General

*A Governor-General appointed by the Queen shall be Her Majesty's representative in the Commonwealth, and shall have and may exercise in the Commonwealth during the Queen's pleasure, but subject to this Constitution, such powers and functions of the Queen as Her Majesty may be pleased to assign to him.*⁴³

It can thus be seen that the Parliament of the Commonwealth of Australia consists of three distinct and independent components: a popularly elected House of Representatives; a Senate consisting of Senators elected on a State basis; and the Queen, represented by the Governor-General. The latter, often overlooked in day-to-day politics, is a largely silent but extremely important component of the legislative process, as proposed bills, passed by both houses of the Parliament, do not become law until they receive Royal Assent. This is a final check on political power, and its potential abuse, due to the fact that laws inconsistent with the 'peace, order and good government'⁴⁴ of Australia cannot become law if they do not receive Royal Assent. Politicians,

⁴² *Commonwealth of Australia Constitution Act 1900.*

⁴³ Sawyer, G. (1975) *The Australian Constitution*. Chapter 1 The Parliament.

⁴⁴ The phrase 'peace, order and good government' was originally used in the *British North America Act*, 1867 (now known as the *Constitution Act*, 1867) enacted by the Imperial Parliament, and it defines the principles under which the Canadian Parliament should legislate. The drafters of the Australian Constitution borrowed heavily from other likeminded liberal-democratic countries including Canada. The Australian Constitution states that the legislative power of the Commonwealth of Australia is vested in the Queen, a Senate and a House of Representatives and, subject to the Constitution, the Parliament makes laws for the 'peace, order, and good government of the Commonwealth'.

aware of this, are thus restrained from excess. This is what is meant by the Crown denying power to others.⁴⁵

Furthermore, Her Majesty Queen Elizabeth II, in Her Coronation Oath swore to govern all of her subjects, including all Australians, ‘...according to their respective laws and customs’ and furthermore in doing so, ‘...cause Law and Justice, in Mercy, to be executed in all...judgements.’

The relevant detail from the Coronation Oath ⁴⁶is provided below:

Archbishop. *Will you solemnly promise and swear to govern the Peoples of the United Kingdom of Great Britain and Northern Ireland, Canada, Australia, New Zealand, the Union of South Africa, Pakistan, and Ceylon, and of your Possessions and the other Territories to any of them belonging or pertaining, according to their respective laws and customs?*⁴⁷

⁴⁵ Royal Assent in Australia’s legislative process can trace its antecedents to the very foundations of parliamentary democracy in England in the Middle Ages, when all powerful monarchs, ruling with the Divine Right of Kings, gradually ceded power to representative institutions, the House of Lords, consisting of bishops, abbots, earls and barons and the House of Commons, consisting of shire and borough representatives. During the reign of Henry VI it became common practice for both houses to originate legislation as Bills which could not become law unless the Sovereign’s Assent had been obtained, because the Sovereign was, and remains the only enactor of laws. The Divine Right of Kings ended with the execution of King Charles in 1649, following a trial for treason. This was replaced by the Commonwealth or Protectorate, otherwise known as the English republic under Oliver Cromwell as the Lord Protector between 1649 and 1660, which abolished Royal Assent. This form of government subsequently failed and was replaced by the pro-Royalist Cavalier Parliament (1661-1679) which reinstated Royal Assent and repealed all laws passed during the period of Cromwell’s republic. Following parliaments retained Royal Assent as part of the legislative process. In terms of rights and freedoms in England in that period, a number of noteworthy developments ensued. These include: the English Bill of Rights, which dealt primarily with parliamentary matters such as regular sittings and parliamentary free speech; and the Act of Habeas Corpus in 1679 which required courts to examine the lawfulness of detention and which, based on Magna Carta 1215, was intended to prevent unlawful or arbitrary detention. This period also witnessed what was to become known as the ‘Bloody Code’, whereby an increased number of offences attracted capital punishment. These included murder, rape and assault as well as highway robbery, burglary, arson, house-breaking, high treason, coining, forging, uttering, personating, riot, stealing and sacrilege. The number of offences rose from 50 in 1688, to 160 in 1765 and 225 in 1815, when, following the end of the Napoleonic wars, there were calls for reform. This was also a period in which those convicted for such crimes, often had their sentences commuted to transportation, originally to the American colonies, and upon loss of these, to Australia. When the Australian colonies developed responsible and representative government in the 19th century, they adopted the British bicameral structure, including Royal Assent, and when these colonies federated in 1901, the Federal Parliament adopted a similar structure, also including Royal Assent as part of the legislative process. Thus what had been designed to limit the arbitrary power of all-powerful monarchs, has been adapted to the benefit of the community, by placing a subtle, but important restraint on the potential for political excess in parliament.

⁴⁶ <https://www.royal.uk/coronation-oath-2-june-1953>

⁴⁷ Of interest is a comparison of ‘peace order and good government’ of the countries mentioned in the Coronation Oath, between those who remained constitutional monarchies (Britain, Canada, New Zealand and Australia) and those which became republics (South Africa, Pakistan and Ceylon). South Africa, Pakistan and Ceylon, now Sri Lanka, have all suffered violent post-colonial histories, whilst Britain,

Queen. *I solemnly promise so to do.*

Archbishop. *Will you to your power cause Law and Justice, in Mercy, to be executed in all your judgements?*

Queen. *I will.*

The monarch, as represented by the Crown, serves as a symbol of the legitimacy of all courts of justice, and of their judicial authority, as well as those charged with applying and enforcing the law, the police. All participants of the criminal justice system, the legislators, the police and the judicial officers, are required to swear true allegiance to Her Majesty in oaths or affirmations. The wording of these oaths is also important, as judges and police, in particular swear oaths or affirmations which include the obligation to carry out their duties ‘*without fear, favour, affection or ill-will.*’

The actual wording of the oath sworn by members of the Australian Federal Police is provided below:

Australian Federal Police Oath

*I....., do swear that I will be faithful and bear true allegiance to Her Majesty Queen Elizabeth the Second, Her Heirs and Successors according to law. That I will faithfully and diligently exercise and perform all my powers and duties as a person declared to be a member under section 40B of the Act of the Australian Federal Police without fear, favour, affection or ill-will, from this date until I cease to be a person declared to be a member under section 40B of the Act of the Australian Federal Police. That, whenever performing duty in the Australian Capital Territory, I will cause Her Majesty’s peace to be kept and preserved, and prevent to the best of my power, offences against that peace. And that, while I continue to be a person declared to be a member under section 40B of the Act of the Australian Federal Police, I will to the best of my skill and knowledge, faithfully discharge all my duties according to law: So help me God.*⁴⁸

The combination of authority and accountability under The Crown, is shared by those components of the criminal justice system, the police and the courts as it is these institutions which actually deal impartially and objectively with people on a daily basis, and have the capacity to directly and meaningfully impact people’s lives, for better or worse, but they are always administered in accordance with law and justice in mercy in accordance with the sentiments of Her Majesty’s Coronation Oath.

Canada, New Zealand and Australia have enjoyed relative peace and prosperity over a prolonged period. Whilst some doubt can be raised as to the direct influence of the Crown in this regard, it is certainly good governance and a relative absence of political excess, widespread corruption or large-scale ethno-religious violence in the Constitutional Monarchies which is a point of differentiation with the republic mentioned. The indirect role the Crown has played in this cannot be overlooked.

⁴⁸ <https://www.australianpolice.com.au/the-oath-of-office-police/>

Sometimes regarded as mere formalities, the wording and the sentiments underpinning them, are actually quite important. As the former Chief Justice of the High Court Sir Gerard Brennan, AC, KBE outlined in a speech upon being sworn in as Chief Justice of the High Court in April 1995:

These ceremonies (and oaths and affirmations) ‘...are not empty rituals...[they are] not a matter of formal procedure...[but are a]...public witnessing of the making of two solemn promises for the performance of which the oath taker will be responsible...The first promise is a commitment of loyalty to Her Majesty the Queen her heirs and successors according to law. It is a commitment to the head of State under the Constitution...a promise of fidelity and service to the Australian people...[because] [a]llegiance to a young, free and confident nation governed by the rule of law is not a burden but a privilege.

The second promise is to ‘do right to all manner of people according to law ‘without fear or favour, affection or ill-will’. In substantially that form, the oath or affirmation is taken by every judge. It is rich in meaning. It precludes partisanship for a cause, however worthy to the eyes of a protagonist that cause may be. It forbids any judge to regard himself or herself as a representative of a section of society. It forbids partiality and, most importantly, it commands independence from any influence that might improperly tilt the scales of justice.’⁴⁹

At the legislative level, Parliamentarians have been required to swear similar oaths or affirmations; however the wording has been altered over time, to remove or replace references to Her Majesty, depending upon the political persuasion of the government of the day, and to the degree of significance they place on oaths sworn to the Crown. Noteworthy is the fact that two of the major political parties, the Australian Labor Party and The Greens, have specific policies with the express objective of moving towards an Australian republic and favour the removal of references to the Crown, Her Majesty and Royal Assent from the parliamentary process. No detail as to what will replace them, should the move to an Australian republic be successful, has ever been agreed upon. Significantly, no wording such as ‘*without fear, favour, affection or ill-will*’ has ever been included in the Parliamentary Oath of Office. The conclusion to be drawn therefore is that it is only the policing and the judicial components of the criminal justice system which are duty bound to demonstrate accountability for their authority and for demonstrating the objectivity and impartiality to which their oaths and affirmations bind them.

It can therefore be seen that both police and judges are duty bound to conduct themselves ‘*without fear, favour, affection or ill-will*’, because of the four components of the criminal justice system, it is these two which deal directly with life, liberty and the right of everyone to the use and enjoyment of private property. With such authority, there also needs to be a commensurate level of accountability.

In the case of British-based liberal democratic police, this authority and accountability is devolved to the lowest ranking member, the Constable, who is directly, and individually responsible for his

⁴⁹ Speech on Swearing in as Chief Justice, 21 April 1995

http://www.hcourt.gov.au/assets/publications/speeches/former-justices/brennanj/brennanj_swearing.htm

or her own actions, and is held personally accountable for abuses of authority. The Office of Constable means that the individual police officer must form his or her own suspicions or belief before taking action such as making an arrest, using force or entering or seizing private property, and cannot be directed by superiors to do so. In fact this places an onus on the Constable to disobey any unlawful directions in this regard.

Greenwood ⁵⁰ in his book *For the Sovereignty of the People* makes this quite clear by quoting High Court Justice Windeyer ([1963] HCA 15; (1962) 110 CLR 74, 84 (Windeyer J) who stated in relation to government authorities under the Crown:

They cannot justify any wrongdoing by alleging that they were acting in the execution of the orders of a superior. The constable who makes an unlawful arrest, is personally liable at the suit of the injured party, although he may have been acting upon instructions ... Every civil servant should remember that, while it is the duty of the servants of the government to carry out all lawful orders, it is equally their duty to disobey unlawful orders.

Furthermore, Greenwood argued:

[T]he fact all government ministers, all the judges, barristers and other servants of our courts of law, all State and federal police, all members of our armed services have been required to swear an oath to Her Majesty ... the symbol of the Crown is placed upon the badges and buttons of all the police, the armed services ... that might need to wield extraordinary authority in a crisis or natural disaster ... upon acquiring particular positions of power, officials are required to swear allegiance to the Queen because they're given that authority formally as servants of the Queen, thus constrained in the manner set out by Windeyer ... the conspicuous display of the Crown upon uniforms, as well as displaying the source of authority wielded by officials, also offers promise and warning – a promise that if he or she abuses that power by acting unlawfully, he or she is personally liable for the consequences... No special executive order, no excuse of 'national security' or secret agenda of high state can alter that.⁵¹

In relation to the way police present themselves as institutionally and individually benign under the Crown in the Peelian preventative policing tradition, Greenwood's watchdog provides an illustration:

It may be said that the Crown actively defends the constitution in the same sense that a watchdog in a garden actively defends the grounds, even when he sleeps in his kennel. Most prospective burglars, aware of the danger, will prefer to let sleeping dogs lie and refrain from an attempt at burglary. For his own part the dog would prefer to sleep. Only the trespasses of those who still dare to violate the grounds will rouse him to the fury of his office.⁵²

The police in British-based liberal-democratic countries such as Australia are rarely roused to the fury of their office, primarily because there has rarely been any such requirement, and even when so roused, it is the exception rather than the rule. Society, however, is changing and serious

⁵⁰ Greenwood, N. 1999 *For the Sovereignty of the People*, p. 58.

⁵¹ Greenwood p. 59.

⁵² Greenwood p.117.

criminality, including ideologically-inspired violence within such liberal-democracies, and further afield, means that the watchdog can no longer afford to sleep in his kennel. The result is that policing is becoming more forceful and intrusive, as it balances respect for individual rights and freedoms with community expectations of safety and security, within a broader political and legal system which, a la Voltaire, continues to aspire to constrain the potential for both government and other actors to do harm and encourage the power to do good. In fact, even the most ardent of Australian republicans concede:

*Republican movements have generally been an expression of the desire for freedom and justice... We have no tyranny to oppose... In truth, in a world filling with tyrants, Queen Elizabeth II and her descendants represent a sort of anti-tyranny.*⁵³

Section 1: Consent-based legitimacy

The Australian social contract through the police prism

Colonialism revisited: The Pale Empire of Ideas

There has been a tendency amongst influencers in society, in academia, in large areas of politics, almost universally in the media and the arts, in short amongst those elites who are opinion-makers, to highlight the blemishes and deficiencies of imperialism and colonialism by focussing in detail on distasteful incidents while simultaneously ignoring the possibility that broader aspects of both imperialism and of colonialism had some beneficial aspects.

Even the most disdainful critics of British imperialism and colonialism could not fail to recognise that those countries in Africa and Asia which were settled by the British also had a much more peaceful transition from colonialism to independence than their counterparts with French, Belgian or Portuguese colonial experiences. There are other countries, known as settler societies where the settlers eventually outnumbered the indigenous inhabitants such as Australia, New Zealand, Canada and arguably, the United States where those principles, practices and values imported by their British colonial settlers were not only adopted in their new lands but adapted to suit local circumstances. In one sense the British Empire was as much an extension of the 'pale empire' of ideas and ideals, as it was a geographically-based trading entity, or in Australia's case, a penal colony.

The first international arrest warrant: The Bounty Mutineers

If the ability to enact, apply and enforce laws globally is a measure of 'world government' then it was an incident, commonly referred to as the *Mutiny on the Bounty* in 1789 in the Pacific, very close to the Australian continent, and with some close connections to the penal settlement of New

⁵³ Watson, D. (2018) *Rethinking the Republic*, The Monthly Magazine April 2018, p.11.

South Wales, which is arguably one of the first applications of British law internationally. Following the actual mutiny, then Lieutenant William Bligh RN made his way with seventeen of his loyal shipmates to Timor to alert the Governors of India and the new penal colony at Botany Bay, and thence to England to report the mutiny to the Admiralty.

Bligh left a copy of the description of the mutineers on a list whilst in Batavia en route back to England and '*subsequently forwarded copies-with a brief explanation of the mutiny-to the governor-general of India, Lord Cornwallis, and to Governor Phillip in New South Wales.*'⁵⁴

These were the most obvious destinations for the Bounty mutineers to re-provision, had they decided to return to England. This was probably the first example of an international arrest warrant, and in fact it was acted upon by the Admiralty by dispatching a second ship the ill-fated *HMS Pandora*, of the infamous '*Pandora's Box*', to arrest the mutineers for return to England to face trial.

Even an offence as serious as mutiny, which attracted the death penalty, entitled the suspects to a fair trial rather than face summary execution, and for its own reasons, the Admiralty was determined that justice would be done, and be seen to be done. This era is often portrayed as a cruel one, with some justification, however in comparison with its colonial peers, Britain at least had some sound notions of law, justice and government and the ability to deliver them on a global basis.

Little wonder that Napoleon, after dominating Europe for over a decade, recognised the effectiveness, extent and reach of British law when he was taken into custody in 1815 and petitioned the Prince Regent for mercy:

Your Royal Highness

A victim to the factions which distress my country, and to the enmity of the greatest powers of Europe, I have terminated my political career, and I come, like Themistocles, to throw myself upon the hospitality of the British people. I put myself under the protection of their laws, which I claim from Your Royal Highness, as the most powerful, the most constant and the most generous of my enemies.

Napoleon

*Rochefort 13 July 1815*⁵⁵

⁵⁴ Mundle, R. (2016), *Bligh Master Mariner*. Pen and Sword Books Ltd.

⁵⁵ *Napoleon's letter of surrender sent to George, Prince Regent, July 13 1815*. Royal Archives / Her Majesty Queen Elizabeth II 2014. <http://www.culture24.org.uk/history-and-heritage/military-history/pre-20th-century-conflict/art512362-napoleon-letter-of-surrender-from-waterloo-to-go-on-public-view-at-windsor-castle>. The British demonstrated just how powerful, constant and generous they were by ultimately exiling him to the island of St Helena in the middle of the South Atlantic, and one of the world's most barren and isolated outposts, where he remained until his death in 1821.

‘Powerful, constant and generous’, are words that, even in contemporary terms, are relevant to countries whose laws which derive their antecedents from Britain. Australia is one of these countries. In fact the Australian colonies commenced their journey to vibrant democracy ironically when the first Governor of New South Wales, Arthur Phillip was at the Admiralty in London whilst overseeing the provisioning of the First Fleet of convicts to New South Wales and was enlightened enough to envision a land without slaves.

Phillip, the First Governor – ‘... idealistic, humanitarian objectives ...’

Australia is no stranger to justice and the rule of law, crime, punishment and its connection with economic development and international affairs. In fact it is very much part of Australia’s early genetic makeup as a convict settlement. With the loss of the American colonies in 1776, the British settlement of the Australia colonies was designed to solve a problem in Britain, primarily that of crimes against the person and property, caused mainly by the rapid urbanisation and subsequent poverty, created by the Industrial Revolution. In essence, the *Bloody Code* had created a crisis of overflowing prisons, and transportation was an alternative to hanging thieves or building prisons or prison ‘hulks’ to house them in Britain.

These ‘idealistic, humanitarian’ principles in early Australia had an auspicious start. Even before leaving England, the first Governor, Captain Arthur Phillip RN had deliberated on the existence of slavery in the new colony and had rejected it. As Geoffrey Robertson QC states in the booklet published in 2015 to celebrate the 800th anniversary of Magna Carta in 1215⁵⁶ whilst waiting at the Admiralty for provisioning of the First Fleet, it was Phillip who drafted what he described as the first law for a land that only he envisaged might become a nation:

Captain Arthur Phillip, by raising the Union Jack on the muddy foreshores of Port Jackson on 26 January 1788...imported into the country as much of British common law as was capable of application to its conditions. Not all the principles of Magna Carta, by then a feature of the common law, were applicable to a penal settlement-it would take many years and many disputes before trial by jury could be established. But its great promise that ‘to no man will we sell, to no man will we deny or delay justice or right’ was familiar to Phillip, who ensured that his Judge-Advocate protected convicts against theft by marines, and punished convicts and soldiers alike who assaulted Aborigines. Indeed it was Phillip, whilst waiting at the Admiralty until, at his humane insistence, the first fleet was properly provisioned, who drafted what he described as the first law for a land that only he envisaged might become a nation: ‘There can be no slavery in a free land’, he decreed, ‘and consequently no slave’. Phillip’s first law...was imbued with the spirit of Magna Carta and its idea of the ‘rights’ of freeborn citizens.⁵⁷

⁵⁶ *Australia Magna Carta* 2nd ed (2015), Department of the Senate, Commonwealth of Australia, Canberra.

⁵⁷ *Australia Magna Carta* 2nd ed (2015), Department of the Senate, Commonwealth of Australia, Canberra, p. 37.

Notably, this was forty years before slavery was abolished in Britain and it was the first of many matters of difference in legality and policy between Britain and its Australian colonies.⁵⁸

The arrival of the First Fleet at Botany Bay, and later Port Jackson in January 1788, however, brought with it more than a group of convicts from a harsh criminal code and their military overseers. It also brought with it the extant British governance and legal principles and practices dating from Rome in 212AD, affirmed in 1066, formalised in 1215, matured during the Middle Ages, refined in 1688 and expanded following British victories in 1759 in North America and the Sub-Continent and later further afield to places as far distant from Britain as the Australian continent. The pale empire of ideas and ideals had expanded into the southern hemisphere.

There was an observable difference in judgements between sentencing a felon to transportation at the 'Governor's Pleasure' and the Pain of Death. Although often portrayed as a cruel and pernicious penal system, the transportation of convicts to the Australian colonies, could be interpreted in an entirely different light. In fact, conviction and transportation for relatively minor offences, often prevented the execution of the offender, thanks to the jury system.

Trial by jury had one important consequence for the founding of Australia. The harsh laws of Georgian England decreed the death penalty for theft of goods worth more than 40 shillings, but it was left to juries to do the valuing-and time and time again, they mercifully valued expensive goods at only 39 shillings, in order to save thieves from the gallows. This was one reason for the need to clear overcrowded prisons by transportation to Botany Bay after the American colonies had revolted. In the penal colony there was no immediate call for jury trial (convicts and soldiers alike faced court martial) but by Governor Macquarie's time this featured as the very first demand of the emancipists. Their right to sit on juries was eventually granted, despite angry opposition from free settlers.⁵⁹

Even before trial by jury, the early military officers who formed Australia's first judicial officers were able to demonstrate common sense and a degree of difference between strict adherence to English law, and its compassionate application in New South Wales, as demonstrated in the Kable case.

The first civil case in New South Wales: Henry Kable (Cable)

Under contemporary English law, condemned criminals became immediately dead in law and were thus unable to give evidence, or sue in court or sue. Their goods were forfeited to the Crown.

⁵⁸ In 1808, the British Parliament passed the *Slave Trade Act* 1807, which outlawed the slave trade, but not slavery itself. Slavery itself was abolished in the British Empire in 1833 by The *Slavery Abolition Act* 1833.

⁵⁹ *Australia Magna Carta* 2nd ed (2015), Department of the Senate, Commonwealth of Australia, Canberra, p. 37.

The 'felony attain' was not removed if their sentences were commuted to transportation. But the first civil case in NSW changed this.⁶⁰

This was the case of Henry Kable (Cable) who was convicted for burglary at Norfolk, England in February 1783, and sentenced to death, which was commuted to fourteen years transportation. As a convicted felon sentenced to death, he was subject to the law of 'felony attain', whereby he was considered legally dead at law. He embarked on the transport ship *Friendship* as part of the First Fleet in 1787. Before he left England he married, and a number of people took up a collection of goods which he and his wife took with them when they sailed as convicts to Australia.

A parcel of goods valued at £20 was sent out on *Friendship* to the Rev. Richard Johnson who was to give it to the couple on their arrival in the penal colony. The goods were plundered on the voyage, but Kable successfully sued and won damages of £15, for the theft of the property, against the ship's captain Duncan Sinclair the Master of *Friendship* upon which they had travelled to New South Wales.⁶¹ This was the first civil suit heard in New South Wales and was heard by David Collins, a marine officer and the first Judge-Advocate of the new colony.⁶²

Kable (Cable) v Sinclair showed that the penal colony of New South Wales would not be a closed prison. Convicts would be entitled to hold property and to enforce their rights in the courts. *The personal autonomy of English law was transported to Australia, but in a new form.*⁶³ In Australia, the rights of the common man applied to those who were considered legally dead in England. Not only had the pale empire of ideas and ideals expanded into the southern hemisphere, it had been enhanced by the legitimacy of the equitable application of the law in stark difference to its application in England.

The expiry of the sentence, or a pardon under the great seal of England, could remove the 'felony attain'. Cable was given the job of supervising other convicts and then became Chief Constable in 1796.⁶⁴ In 1796, he also became head gaoler of Sydney Cove and, in 1797, was granted a licence to operate an inn in the Rocks area of Sydney. He was one of a syndicate of twelve which the governor authorised to build a boat for coastal trading. He was dismissed as head constable in 1802, for trying illegally to import pigs from a visiting ship.

This auspicious start, however, was to be compromised by a military autocracy, which developed into a monopoly on trade and de facto currency, rum.

⁶⁰ Kercher, B. (1995) *An Unruly Child: A History of Law In Australia*, Allen & Unwin, Sydney, Ch. 2.

⁶¹ Hainsworth, D. (1967) *Australian Dictionary of Biography*, Volume 2, (MUP).
<http://adb.anu.edu.au/biography/kable-henry-2285>.

⁶² Cable v. Sinclair [1788] NSWKR 7; [1788] NSW Sup C 7.

⁶³ Kercher (1995), Ch.2.

⁶⁴ Coupe, R. (2002). *Australia's Convict Past*. Sydney: New Holland Publishers, p. 25.

Four companies of Marines landed with the first Europeans to settle in Australia. They were replaced by the New South Wales Corps (102nd Regiment of Foot), also known as the *Botany Bay Rangers*⁶⁵, which arrived on the Second Fleet in 1789. This regiment was specifically raised for service in New South Wales but was discredited by its monopoly of the de facto currency, rum, which brought it into direct conflict with successive Governors, including Governor Bligh, who the *Rum Corps* arrested in 1808.⁶⁶ This was rectified by the arrival of Governor Lachlan Macquarie who commanded the 73 Regiment of Foot, a Scots Highland regiment which replaced the New South Wales Corps and restored law and order to the colony. In 1814 Governor Macquarie introduced a *Second Charter of Justice for New South Wales* which defined the structure of the civil court system. This introduced the Governors Court, the Lieutenant-Governors Court and the Supreme Court.

Successive regiments of the British Army rotated through service in the colony and developed infrastructure and ‘policed’ the settled areas of the colony, primarily on horseback. This was the predecessor of the New South Wales Mounted Police, which transitioned from military control to civilian control in 1838.⁶⁷

The year 1838 was a seminal year for the development of democratic ideals and the social contract in colonial Australia. It was the year the British Army withdrew from the ‘frontier’; it was the year the New South Wales Mounted Police transitioned from military to civilian control and it was the year the Colony of South Australia established a centralised police force based on Peelian principles from the London Metropolitan Police, which at that time was less a decade old. In fact, South Australia was ahead of much of the rest of Britain in adopting these principles. The police in South Australia were centrally organised and administered, and their authority expanded, as the settled areas of the colony itself expanded economically and geographically. The police were not just representatives of the Crown but were also agents of government, conducting a diverse range of activities.⁶⁸

⁶⁵ Keneally, T. (2006) *The Commonwealth of Thieves*. North Sydney, N.S.W. Random House Australia, p. 21.

⁶⁶ Governor Bligh remained confined for over a year following his arrest in 1808. In February 1809, he boarded the ship *Porpoise* and in March sailed to the Derwent River in Van Diemen’s Land, seeking support from Governor Collins. This support was not forthcoming. Governor Bligh remained until the arrival of Governor Macquarie and eventually sailed for England in May 1810 where he arrived in October.

⁶⁷ For more detail relating to the British Army in colonial Australia please see Wright, C. (2011) *Wellington's Men in Australia: Peninsular War Veterans and the Making of Empire c.1820-40*. Palgrave Macmillan, New York and Stanley, P. (1986) *The Remote Garrison: the British Army in Australia, 1788-1870*. Kangaroo Press, Kenthurst NSW Stanley.

⁶⁸ For a comprehensive discussion on how the South Australian Police applied and expanded throughout the Colony of South Australia, please see Hopkins, C. (1995) *South Australia Police, 1838-1992: a history of the development and operations of the force from its establishment*. Adelaide.

The roles played by the police in rural and remote colonial South Australia involved more community interaction via duties unrelated to the enforcement of the criminal law. The police in these areas were also Government agents and as such had cause to deal with the general public in many ways which were not as adversarial as enforcing the criminal law. This helped to underpin their legitimacy in the eyes of the community.⁶⁹

They were also highly mobile. *'In carrying out these special duties, the Mounted Police alone have during the year, travelled 63,054 miles and have been absent from their stations for 2740 days...'*⁷⁰ Hopkins further lists the varied duties assigned to the South Australian colonial police:

*...the extraneous duties were numerous and varied, included those of Fireman [City and of Port Adelaide 1838-1875], Postmen 1846-1849, Customs Officers 1838-1901, Telegraphic Operators 1865-1887, Ambulance Officers [City area] 1888-1954, Crown Land rangers, Inspector of Noxious Weeds, Collector of Annual Statistics from persons involved in Agriculture, Horticulture, Viniculture, and the Clerks and Bailiff of Local and police Courts.*⁷¹

The police, often as the only representative of government authority in remote areas also engaged and developed relationships with indigenous inhabitants, some of whom became actively engaged in assisting the police in expanding the rule of law into newly settled regions. *'Police were also used to assist in the exploration and survey work of the country due to their intimate knowledge of particular areas, and their ability to liaise with Aboriginal Tribes...'*⁷²

From the outset the South Australian Police applied both the common law principles and Peelian principles, particularly the presumption of innocence and the humane treatment of prisoners, which was in fact official Government policy.⁷³

⁶⁹ In the 1893 Annual Report SA Police Commissioner Mr W.H. Peterswald stated:

'The following is a list showing the various offices held by members of the Police in addition to that of Constable: Assistant Inspector of Fisheries, Assistant Returning Officer, Bailiff, Clerk of Local Court, Customs Officer, Crown Lands Ranger, Collector of Agricultural Statistics, Crown Prosecutor under the Education Act, Commissioner for Taking Affidavits, Destroyer of Wild Dogs' scalps, Harbour Master, Issuer of Miners Rights, Issuer of rations to Aborigines, Inspector of Stock, Inspector of Public Houses, Inspector under Vine, Fruit and Vegetable Act, Inspector under Rabbit Suppression Act, Inspector of Hides, Inspector of foul brood in bees, Inspector of Slaughter Houses, Keeper of Life Saving rocket apparatus, Public vaccinator, Post Master, Registrar of Births, Deaths and Marriages, Registrar of Dogs, Sanitary Inspector.' (Hopkins 1995, pp. 86-87).

⁷⁰ Hopkins 1995, p. 87.

⁷¹ Hopkins 1995, p. 85.

⁷² Hopkins 1995, p.86

⁷³ 'It was Government policy from the time the Police Force was established, that prisoners were deemed to be innocent until convicted by a Court, and that when taken into custody, they were to be treated humanely, and no more force was to be used than that which was required to ensure their safety and security. In many instances, this included the use of handcuffs, neck chains and leg irons. However, these methods of restraint were mainly used after an assessment had been made of the temperament of the prisoner/s, nature of the offence, and if the number of prisoners exceeded the number of Police escorting

The salient point for the purposes of this thesis is that the South Australia police were organised as a centralised body, applied policing jurisdictionally rather than functionally, were highly mobile, inducted indigenous Australians into their ranks, performed duties other than enforcing the law thus creating situations, other than adversarial, where police interacted with the community, and applied Peelian policing principles of restraint and humane treatment. This was a model which was eventually adopted by all other Australian colonies as they separated from New South Wales and became viable and manageable sovereign jurisdictions in their own right. It was only then that centralised policing could develop, which under responsible and representative government in each colony, eventually adopted a liberal-democratic approach.

Australian jurisdictions: A study in sovereignty

It is important to understand that the legal notion of jurisdiction is directly related to another notion, that of sovereignty. These are extremely important for an understanding of police and policing. The contemporary Australian State and Territory jurisdictions developed between the 1830s and 1860s as individual colonies, and provided a foundation for democratisation and eventual economic viability and thus prosperity in their own right. It was these colonies which agreed to federate in 1901 for certain defined reasons, primarily listed in s51 of the *Australian Constitution*. The story of the development of policing in Australia, since European settlement, is one which is intertwined with the evolution of modern notions of democracy and nationhood and is inextricably linked with notions of sovereignty, jurisdiction, legitimacy and authority.

Law and order in colonial Australia, in the last part of the 18th Century, and the first half of the 19th Century, was very much authoritarian and enforced by a mixture of military, para-military and ad hoc police bodies. It was not until well into the 19th century, when the Colony of New South Wales was sub-divided into smaller Colonies, that the jurisdictions thus created, were able to be better administered. This also coincided with the evolution and broad acceptance of more democratic principles, and improved organisation of policing, stemming from policing practices in the British Isles. It is of direct relevance to understand how these jurisdictions emerged in the Australian context, to gain an appreciation of how the social contract between the government, the police and the community developed.

them etc. An interesting factor in regard to the use of handcuffs was, that due to the small hands and narrow wrists of the Aborigines, a separate smaller handcuff was necessary to restrain them. This was prior to the ratchet handcuff being introduced. Most prisoners were required to walk, if they were able to do so, either from the scene of the arrest to the Police Station, or from the Court to the Gaol. They were required to walk on the right hand side of the Trooper, level with his stirrup iron, as usually the Trooper was mounted on his horse. This enabled him to guide his horse with his left hand and to have his right hand available for use, or to draw his sword, pistol or baton in an emergency'. (Hopkins 1995, p. 22).

Prior to British settlement, the Australian continent was known as New Holland and was sub-divided by British colonial authorities broadly as follows:

Continental Australia was initially divided in approximate halves by then Lieutenant James Cook RN in 1770 originally at the 135th meridian which was then moved to the 129th meridian in 1825. Everything east of this line was named New South Wales, and incorporated all the land and islands from the Torres Strait to the bottom point of Tasmania, then known as Van Diemen's Land. Everything west of this line was claimed by Captain Charles Fremantle RN in 1829 and was called Western Australia. This was in response to growing French interest in this region. The island colony of Van Diemen's Land (Tasmania) also separated administratively from New South Wales in 1825 and became an independent colony. The next sub-division was the formation of the colony of South Australia in 1836, proclaimed by Captain John Hindmarsh, a square shaped division carved out of New South Wales with a northern border set at the 26th parallel south and an eastern border set at the 141st meridian. The foundation of this colony in particular is of significance to the direction civilian policing took in this colony as well as in the other Australian colonies. The next division was that of Victoria in 1850 which separated along the Murray River to the South Australian border. This included all of the Murray River as part of New South Wales. Victoria was followed by Queensland in 1859 which separated from New South Wales with a southern border set at the 29th parallel and a western border originally set at the South Australian border at the 141st meridian. Part of this was then moved to the 139th meridian in 1862, except for that portion which was already proclaimed as South Australia. This explains the odd shape of the South Australia, Northern Territory, New South Wales and Queensland internal borders, known as 'corner country'. The space between the western border of Queensland at the 139th meridian and the Western Australia border set at the 129th meridian was designated as the Northern Territory of South Australia. It was originally under the jurisdiction of New South Wales, then South Australia, then the Commonwealth and then itself following self-government in 1978.

It is noteworthy that all of these boundaries, creating viable jurisdictions, were established by instruments of law, such as lawyers and surveyors, rather than by instruments of war, such as soldiers.

Centralisation of policing in colonial Australia

South Australia 1838

The police in South Australia were centrally organised and administered and their authority expanded as the settled areas of the colony itself expanded economically and geographically. The police were not just representatives of the Crown, but were also agents of government, conducting a diverse range of activities. This was the first on the Australian continent and in fact in the

southern hemisphere and was established less than a decade after the formation of Peel's 'new' Metropolitan Police in London in 1829. This set the stage for liberal-democratic policing in the remainder of the Australian colonies.

Victoria 1850

With the discovery of gold, the impact for the police and policing in Victoria was immediate and dramatic. Unlike the centralised model in the Colony of South Australia, policing in the new colony of Victoria was disparate. The colony was divided into police districts for the first time in 1852 but this did little to coordinate the City Police, Goldfields Police, Water Police, Rural Bench Constabulary, Mounted Police, Country Police, Escort Police and Aboriginal Police, all of whom were operating within Victoria at the time. On 8 January 1853, the Victorian government passed an Act that established a single police force for the colony but it was not until 1856 that a Manual of Police Regulations was published.

Between these events a momentous event in December 1854 occurred at the Eureka goldfield near Ballarat where miners assembled and drilled under arms. What had started as an objection to a licensing law, poorly enforced, became an armed rebellion, under a '*certain standard*', the Southern Cross or Eureka flag, threatening to challenge the authority of the Crown, which was suppressed by military force with police assisting. In fact the charge sheet for the Eureka rebels, charged with treason charged that they fired upon Her Majesty's forces and '*other loyal subjects*'. The police were not even considered as a distinct entity at that time. The events at Eureka were the crucible in which policing in Victoria was forged, but even though the police force had only just been established in Victoria, a full three years after actual separation, they were caught unawares by the decimation of their ranks by the lure of gold and the replacement of sub-standard and poorly paid members, many of whom were convicts from Van Diemen's Land, early Victoria's 'traditional source of felony'. Victoria was the second of the six original colonies to centralise its policing.⁷⁴

Western Australia 1853

The next colony to centralise its policing, in 1853, was the Colony of Western Australia, formerly the Swan River Colony, founded by Captain Stirling RN in 1829, in an effort to prevent France seizing the other half of the Australian continent. Western Australia is the only Australian colony to never have been a part of New South Wales. A troop of Mounted Police was formed in 1834, but proved unpopular with the community on the grounds that it was not efficient and was being

⁷⁴ For a thorough history of the Victoria Police please see Haldane, R. (1995) *The People's Force: A History of the Victoria Police*. Melbourne University Press, Carlton. For a detailed account of the events at Ballarat in December 1854 please see Blake, G. (2009) *To Pierce the Tyrant's Heart: A Military History of the Battle for the Eureka Stockade: 3 December 1854*. Australian Military History Publications, Canberra.

financed by taxes for duties which the community thought the military should be performing. Other types of police such as the Water Police, formed in 1851, were added as the needs of the colony changed, particularly after the introduction of convicts. The colony's Legislative Council passed a Police Ordinance in 1849 which outlined police powers and responsibilities. The force was formally established in 1853, when a Chief of Police was appointed and a Code of Rules was published outlining an administrative structure. In 1861, a second and expanded Police Ordinance was passed to clarify the chain of command, the powers and responsibilities of members and the various offences with which they had to deal.

New South Wales 1862

The Colony of New South Wales, like the Colony of Victoria, had their respective police organised along functional lines, rather than centralised under one command as was the case in colonial South Australia. In the 1840s New South Wales was policed by the Sydney Police, the Mounted Police, the Sydney Water Police, a Rural Constabulary controlled by the rural magistracy, a Border Police responsible to the commissioners of crown lands and the Native Police, which operated primarily to the north and into Moreton Bay. In 1861 following riots on the goldfields at Lambing Flat goldfields police and the military were deployed to restore peace which led to a push for more effective policing in the colony. This prompted the New South Wales Premier to move quickly to address the evident incapacity of the goldfields police to act to protect the victims, in this case the Chinese miners. The inability of the police to suppress these riots caused the New South Wales Premier Sir Charles Cowper to introduce the *Police Regulation Act* 5 Vict. No 16 of 1862, which was passed by the colonial Parliament on 1 March 1862, which amalgamated all exiting functional police to establish the New South Wales Police Force under a centralised command.⁷⁵

Queensland 1864

On the January 1, 1864 the Queensland Police Force, began operating under its own legislation. The police had been operating as functional police since separation from New South Wales in 1859 and were divided into Metropolitan Police, Rural Police, Water Police and Native Police. They came under a central command based in the colonial capital Brisbane in 1864. Like policing in Western Australia, centralised policing in Queensland was challenging due to the size of the colony, which extended from the New South Wales border to the Torres Strait. As a result, although still administered from Brisbane, a degree of independence and freedom of action existed in colonial Queensland in coastal towns such as Bundaberg, Rockhampton, Mackay, Townsville, Cairns, Cooktown and Thursday Island, as they were not directly connected to the

⁷⁵ NSW Police – *History of the NSW Police Force – Significant Dates* p. 2.

capital, other than by coastal steamers. As a result law and order was often not as refined as perhaps it was on the other colonies.

Tasmania 1898

The final colony to centralise its policing in 1898, was Tasmania, which ironically was the first colony to separate from New South Wales in 1825. Upon separation, policing was administered along municipal lines, with the hinterland being policed by the military. This decentralised model led to community dissatisfaction due to localised corruption, inconsistent application of laws, low wages and insecure tenure for police. In the 1870s serious riots broke out in Launceston as a result of a dispute with the colonial government in Hobart over a railway line connecting the two municipalities. The *Police Regulation Act (1898)* created a Tasmania-wide organisation under a police commissioner who reported to the Attorney-General, who answered to a democratically elected parliament.⁷⁶

Despite some blemishes on its colonial past, Australia is one of the beneficiaries of the age of British imperialism and colonialism in the late 19th and early 20th centuries in many ways, including the adoption and adaptation of the 'pale empire of ideas associated with British colonialism. Several features worth mentioning include the hallmarks of what is often referred to as western liberal-democracy, such as responsible and representative government, justice and the rule of law, and freedom of action, assembly, expression and media. Among all of these aspects of Australia's inherited legacy, are principles, practices and values which have influenced not only how laws are enacted, but also how they are implemented and applied in practice, in circumstances very different both in terms of geography and time, from when they were developed over centuries, literally on the other side of the globe. Liberal-democratic policing, developed in the British Isles, has played an instrumental role in both the development and the maintenance of Australian democracy for almost two centuries.

The significance of the development of liberal-democratic policing in colonial Australia in relation to the AFP, is that when Australia federated in 1901, the common law principles and the Peelian policing approach had been adopted under responsible and representative government for over a century. Thus when the AFP was established in 1979, it was formed along the same principles.

Australia has some impressive policing antecedents. It has two of the largest police jurisdictions by area in the world: Western Australia and Queensland. It has one of the oldest centrally administered police forces in the world: the South Australian Police. It has one of the world's largest police forces by membership: the New South Wales Police Force, and it has arguably the

⁷⁶ http://www.utas.edu.au/library/companion_to_tasmanian_history/P/Police.htm

world's largest single national police jurisdiction, albeit limited to federal matters, encompassing the entire Australian continent and outlying Commonwealth islands, namely Norfolk Island in the Pacific Ocean and Christmas and Cocos-Keeling Islands in the Indian Ocean respectively, administered by the Australian Federal Police. Despite the obvious logistical challenges, these are all policed with attention to world's best practice, which is the community expectation. They are not perfect, but given the absence of wide scale violence and public disorder in Australia's history, and the accountability of police through the courts, the media and through their own administrations, the overwhelming feature of policing in these jurisdictions is justice based rather than security based.

The turn of the century and federation

At the turn of the century, each of the Australian colonies had centralised police forces, policing in accordance with Peelian policing principles, and accountable administratively to responsible and representative governments, and operationally to mature and independent courts. The colonial police forces had engendered sufficient confidence by both government and the general public to play an administratively instrumental part in the federation. As Hirst wrote, *[i]n societies where the police are feared they could not be used to collect census data. In Australia they could be used for everything. In some colonies they were used to create the electoral roll.*⁷⁷

The character of Australian police and a distinctively Australian approach to policing was developed in colonial Australia. These include those whose multi-faceted approach opened up the interior and brought the rule of law to remote areas, those who assisted in connecting Australia with the rest of the world, those whose poor practices led to violent confrontations, those who stood up to the violent crimes of outlaws and industrial thugs, those who negotiated in small localised ways with Aboriginals, those whose encounters were less peaceful as well as those who protected minorities such as the Chinese at Lambing Flat in the 1860s, which was the catalyst for the centralisation of policing in New South Wales, and the Afghans in western Queensland during the Shearers Strike in the 1890s.

The principles they brought and applied in these circumstances were the common law principles based on the notion of justice: 'to each his own', and the Peelian principles of preventative policing and the minimum use of force. These are principles which endure to this day at a State and Territory level and also at a Federal level, which will be discussed in the following section. This character of fairness and impartiality, and a determination to get the job done, is best encapsulated in the following episode in western Queensland, as the federation polling papers were dispatched to enable everyone to have a vote on federation:

⁷⁷ Hirst, J. (2009) *Building a Free Australia* Australian Heritage Council, Canberra, A.C.T, p. 116.

In 1900 the Home Secretary ordered Acting Sergeant Cornelius Walsh to Bedourie in far west Queensland to take a poll for the Federal Elections. Walsh travelled from Brisbane to Charleville by train, and then by Cobb & Co. coach to the cliffs— 68 kilometres east of Windorah— from where he continued on horseback. One night he began to cross the flooded King Creek, which was then 13 kilometres wide. Early in the morning he camped on an island amid flood-waste. In the morning, Walsh took off all his clothes 'save his hat' and after tying his possessions to his saddle, he wrapped the electoral papers in an oilcloth and fastened the bundle to the back of his neck. As he was swimming across King Creek his horse went under and was swept away. Walsh's bundle of clothes was also lost. He later recovered his mount and after 12 hours in the water, reached the outskirts of Bedourie. All he was wearing were his hat and boots. After some thought, he fashioned a loincloth with the oilcloth and marched proudly up the street to the police station. Acting Sergeant Walsh held the poll the following day and then set out for Brisbane. On his return trip to Windorah, a distance of 433 kilometres, he set a record which could still hold good today. He rode the distance in 58 hours, 41 of which were spent in the saddle using a relay of horses borrowed from local graziers.⁷⁸

This is the sort of character who displays the values and attributes all Australian police should seek to emulate. The path to Australian nationhood was forged shortly after federation, when, as part of the British Empire, Australians were called upon for Imperial service in furtherance of British Imperial objectives, which were under direct threat by those of Imperial Germany. This had some very serious implications for diaspora communities and the way with which they were dealt by police and the justice system in Australia. In a newly globalising world, where British foreign policy and Australian military expeditions raised some issues with diaspora communities in Australia and forced Australians to ask the question: who is the enemy?

The 1914–18 'war to end all wars' and the establishment of the first Commonwealth Police Force

Much of Australia's character and 20th century security dialogue is derived from its considerable military exploits dating from the Boer War which spanned federation, the 1914-18 war in Turkey, the Middle East and Western Europe, as well as its military deeds in North Africa, South East Asia, the Pacific and northern Australia in 1939-45. These conflicts were inextricably intertwined with British foreign policy in relation to its position as a supreme imperial power. This hegemony came under threat from a unified and expansionist Germany in the latter stages of the 19th century. It is important to note, that at the time Australia was very much a part of the British Empire, and as a result Australians considered themselves as British Subjects, which in fact they were.

In middle Europe, Germany, unified under its *Iron Chancellor* Otto von Bismarck in 1871, created some concerns for Britain. In 1884-5 Bismarck hosted a conference in Berlin which commenced the 'scramble for Africa'. Ferguson, arguably with more accuracy, refers to this as the 'scramble of Africa'. Colonial competition was rife in the last twenty years of the 19th

⁷⁸ *From the Vault-A record ride, 1901* QPS Media on May 29, 2012 @ 11:00am.
<https://mypolice.qld.gov.au/museum/2012/05/29/from-the-vault-a-record-ride-1901/>

Century. Germany was already a powerful industrial nation, every bit the competitor to Britain and appeared to have global ambitions. It sought colonial possessions in Africa, the Pacific and Asia, along with France and Britain. When Bismarck was removed from office in 1890, Kaiser Wilhelm embarked on a policy of '*Weltpolitik*'-global politics-which confirmed Germany as a global competitor to British global hegemony. This was bound to end in conflict which finally broke out between these two military, economic and industrial titans in 1914. '*Weltpolitik*' had become '*Weltkrieg*'-global war.

The causes of the 'War to End All Wars', fought in Turkey, the Middle East and Western Europe between 1914 and 1918, are many and varied, and are too complex to discuss in detail. The fact is that as a loyal member of the British Empire, when Britain went to war, so did Australia. This meant war with Germany, and its allies, including Turkey. The impact on 'enemy' Diaspora communities in Australia was profound, despite the fact that they were His Majesty's subjects. Police were involved directly in many of these incidents, primarily to protect life and property, including those classified as 'enemy aliens'.

Three isolated incidents, in this tumultuous period of global affairs, are of direct relevance to demonstrate the nature of police and policing in Australia of that time, and the interconnectedness of global affairs to domestic sentiments, with which police have to deal. They all have contemporary relevance. These are in chronological order: the actions by police in a politically charged confrontation in Victoria September 1914; the firing of the first hostile shots against Australian civilians in rural New South Wales in January 1915; the reaction by police to a federally proposed policy of conscription in rural Queensland in November 1917.

Australian domestic civilian policing in time of war: Who is the 'enemy'?

Port Melbourne, Broken Hill, Warwick

Australian history has been dominated by the efforts of the Australian military since the Gallipoli landings on 25 April 1915. In fact, it is often said that this has shaped the national character, and entrenched the notion of 'mateship'. Whilst this is undoubtedly true, there was another aspect of the Australian character developed in a domestic setting during the same period of hostilities: that of dealing with actual and potential hostility from diaspora communities opposed to Australian military action. This is highly relevant to contemporary Australia, and to the way the social contract applies, to whom, and under what circumstances.

Germans

War was declared between Germany and Britain on 5 August 1914. This had an immediate impact not just on combatants and their governments, but upon members of the diaspora communities associated with the belligerents. At just over 33000, by far the largest immigrant community with origins outside the British Isles at the time of the declaration of hostilities, was the German

population. The treatment of naturalised, and indeed Australian-born Germans was little different to actual German citizens, who could quite rightly be regarded as ‘enemy aliens’. ‘The process of naturalisation, even being born in Australia, made little difference to the perceptions of the dominant majority: German blood, however diluted, earned the pejorative title ‘German’.⁷⁹

*The Germans were required to register as enemy aliens and swear an oath not to take up arms against the Empire. Their movements were controlled and it was made illegal to speak German over the telephone. They were not permitted to have a telephone without the written consent of the police, nor to own a camera or keep homing pigeons. They were forbidden to possess firearms.*⁸⁰

An incident at Port Melbourne in which one of these German aliens was personally attacked, is a reflection that despite hostilities towards them, they were still afforded protection under law, as the actions of the police demonstrate. In September 1914, a month after the outbreak of war, a hostile mob cornered German-born labourer, Wilhelm Smock, and chased him onto the beach at Port Melbourne. Smock had applied for naturalisation, but this conferred no protection from the mob and police had to rescue him with batons drawn.

This sort of protection did not last long as Lutheran Churches were attacked, German-Australians lost their jobs and their voting rights and many were interned without trial or right of appeal. Due to a change in the definition of ‘enemy subject’ in 1916 this included:

*any Australian natural-born subject whose father or grandfather was a subject of a country at war with the King. The effect was to include the vast majority of natural-born Australians of German descent within the category of ‘enemy subject’. This gave Australian authorities complete power over almost all German-Australians.*⁸¹

This included a complete abrogation of their common law rights as they were interned, or subject to internment without trial. These internments were carried out by the military rather than the police.

This animosity broke into actual hostilities in a most unexpected manner, not in a major city nor between combatants, and not even between German ‘aliens’ and loyal British subjects in Australia. This occurred in the western New South Wales city of Broken Hill on New Year’s Day 1915, before the landings at Gallipoli in April of that same year. This became known as the little recognised Battle of Broken Hill.

⁷⁹ McKernan, M. (2014). *Australians at Home: World War I: The Australian People and the Great War*. The Five Mile Press.

⁸⁰ Challinger, M. (2001). *Historic Court Houses of Victoria*. Ringwood, Vic.: Palisade Press, p. 142.

⁸¹ McKernan, M (2014), p. 156.

The landings of Australian and New Zealand Army Corp (ANZAC) troops on the Gallipoli Peninsula on 25 April 1915 are commemorated annually on what is known as ANZAC Day. Less than four hours after the British Empire was plunged into war on August 5, 1914, the first shot fired by the British Empire in World War I was fired at Portsea on Victoria's Mornington Peninsula at the German cargo ship, *SS Pfalz*, as it attempted to leave Australian waters, as the captain knew war was about to be declared. Ten minutes before it reached open seas, the artillery headquarters at Queenscliff received the order to stop or sink the ship. The gunners at the Fort Nepean gun emplacement fired a warning shot across its bow, the captain of *SS Pfalz* surrendered, and the German seamen spent the rest of the war in an internment camp.

Between the first shot from Point Nepean in August 1914 and the ANZAC landings in April 1915, the first Australian casualties of the war were civilians on Australian soil. This incident occurred, not in a far off land, not in proximity to any conflict zone, but in the regional city of Broken Hill in western New South Wales. Indeed, the first shots were fired not by soldiers, but by British subjects from the North West Frontier of British India.

A number of 'Afghans' had come to Australia as cameleers in the mid-19th century, from what was then the North West Frontier of British India. They had played an important role in the opening up of the interior of the continent's remote arid desert areas. The expansion of the railways, the advent of the internal combustion engine and regulation in relation to the pasturing of their camels resulted in many camels being turned loose to become a feral pest, as they were no longer of use to the economy. Many of the cameleers returned to their homelands but many also remained in the Australian colonies. The incident at Broken Hill involved two of the latter, although there had been some suspicions of them, as Australian historian Christine Stevens ⁸² discusses:

*[i]n 1898 Probyn-Smith had warned the WA parliament that the Afghans in Australia were 'traitorously disposed', that they should be kept off the WA goldfields because they were in sympathy with those Afghans with whom the British were fighting in the Second Afghan War. Probyn-Smith warned that 'if a Jihad or Holy War was proclaimed every nationality forgets the nationality to which he belongs', and 'only remembers the Sultan of Turkey who holds the holy places in Arabia, Mecca and Medina. He holds the flag of the Prophet Muhammad, first unfurled when he declared himself the prophet of God, and defender of things sacred.'*⁸³

In his 2010 book *The Berlin-Baghdad Express: The Ottoman Empire and Germany's Bid for World Power* ⁸⁴ U.S. historian Sean McMeekin documented how Germany and Turkey came to

⁸² Stevens, C. (2002). *Tin Mosques and Ghantowns*. Alice Springs: Paul Fitzsimmons.

⁸³ Stevens, C. (2002). *Tin Mosques and Ghantowns*. Alice Springs: Paul Fitzsimmons, pp. 161–164.

⁸⁴ McMeekin, S. (2010) *The Berlin-Baghdad Express: The Ottoman Empire and Germany's Bid for World Power*. Bellknap Press, Harvard University.

an agreement to agitate for a global Islamic jihad to destabilise British controlled Egypt, India and Sudan in order to divert attention away from the main battlefields in Western Europe. This occurred before Turkey actually entered the war on the side of the Central Powers in November 1914. This had an impact on New Year's Day 1915, only weeks after Turkey's entry, when two 'Turks', who were actually Afghans flying the Turkish flag, opened fire on a train carrying 1200 picnickers in open carriages from Broken Hill to Silverton for the Manchester Unity Order of Oddfellows New Year's Day picnic, killing four and wounding seven.

The incident has always been referred to as having been conducted by Turks, because the Afghans were flying the Turkish flag. But the two men were Afghans: Gool Mahomed was an Afridi from the Tirah region near Khyber Pass area in Afghanistan, and Mullah Abdullah was born either in India or Afghanistan.⁸⁵ The Afghan origins of these men was not publicised because:

*[i]t suited the authorities of the time to perpetuate the rumour that the two men were Turks, for the country was at war with Turkey, even though from examination of the suicide letters and by talking to the Afghan community at Broken Hill, it was evident that they were both Afghans.*⁸⁶

In all, 48 shots were fired by the Afghans, using a Martini-Henry breech loading rifle, a Snider Enfield carbine, a revolver and some handmade bandoliers. The first casualty was a 17 year old girl, Alma Cowie. A gun battle ensued, which lasted until the mid-afternoon by which time Mullah Abdullah, born in 1855, was killed and Gool Mahomed, born in 1874, was badly wounded, with sixteen bullet wounds, and died soon afterwards in hospital. This was treated as an act of war and mob rule took over, until the combined efforts of the police and military could restore order:

*[a] crowd gathered in Argent Street that night. There was a heated debate as to whether the attackers were Turks or Afghans and whether the attack was instigated by the Germans of the town. A cry of 'To the German Club' went up, and the crowd surged towards Delamore Street. The German Club was empty, but stones were hurled through windows and the crowd began to sing patriotic songs. They screamed execration on Germans, Turks and Afghans. They forced entrance to the club and vandalized it before setting fire to the building.*⁸⁷

A fire cart attended but the mob cut the fire hoses to pieces and the building was burned to the ground. Later that evening the mob then moved towards the camel camp and police and armed soldiers also made their way to the mosque. Two turbaned, robed figures appeared, seemingly 'calm, silent and unperturbed at the sudden invasion of the sacred precincts of their place of worship'. They denied the accusation that a constable was imprisoned in the mosque, but a search

⁸⁵ Stevens (2002), p. 161.

⁸⁶ Stevens (2002), p. 166.

⁸⁷ Stevens (2002), p. 164.

was made by soldiers and police, the police later confessing that the search was really born out of fears of a repetition of the day's events. Emotions were running high and:

*as the search party was leaving, the crowd of angry citizens came surging towards the Ghantown. The police and soldiers intercepted the mob, barring their entry past the camp fence until eventually the crowd gradually broke up and disappeared into the darkness. Police officers remained on guard at the camp all night.*⁸⁸

Unlike the way in which Germans and their property were treated by the absolute removal of common law rights as they were interned simply for being German or having German parents or grandparents, the case of the Afghans was different. Even this act of hostility, on the part of belligerents flying an enemy flag, did not create an environment whereby common law protections by the authorities were removed, to allow mob violence to break out against the Afghans. In fact the Afghan camp was protected overnight by police and soldiers with bayonets fixed. Matters died down quickly and, despite a clear case of arson:

*[n]o action was taken against those who burned the German Club. The day after the funeral several 'alien enemies resident in Broken Hill', six Austrians, four Germans and one so-called Turk, were arrested by armed police and local militia and sent by train to the Adelaide detention camps.*⁸⁹

They were sent to the Torrens Island Camp in Adelaide. The remaining Afghans assisted the police with their enquiries. It appeared the two assailants were acting in isolation from the rest of their community and:

*[s]everal Afghans from the North Broken Hill Ghantown were close to the scene of the attack on the terrorists and had helped police...The terrorists' mission had been conceived and carried out between the Mullah and Gool Mahomed, and had been kept secret from the other Afghans.*⁹⁰

On 7 January 1915, the Coroner C.F. Butler S.M., found that four Broken Hill residents had died of gunshot wounds, '*feloniously and maliciously inflicted on them.*' In fact Gool Mahomed had enlisted as a member of the Turkish Army by letter, as evidence later located among his possessions confirmed. He had apparently enlisted in the Turkish Army shortly after federation but had returned to Australia to resume mining.⁹¹

The newspapers of the day were loud in their condemnations. '*The Fight with the Turks*' was the headline for the Sydney Morning Herald; '*Turks Attack Train*' was the headline for the Melbourne Argus. This has echoes down the generations to contemporary Australian society, whereby authorities like the police, charged with community protection must balance that primary

⁸⁸ Stevens, (2002), p. 166.

⁸⁹ Stevens, (2002), p. 166.

⁹⁰ Stevens, (2002), p. 164.

⁹¹ For a full text of this letter please see Stevens p.164.

responsibility with that of protection of individual rights, including the rights of violent offenders, who may at time require protection from vigilante style mob violence.

The Irish Easter Rising and the Warwick incident

The next incident relating to the 1914-18 war and its implications for national policing in Australia relates not to Germans, Turks or Afghans, but to British subjects from an island to the west of mainland Britain, Ireland, which was then still under British rule. The religious divide between Protestant Britain and Catholic Ireland had been a cause for British domestic security concerns for centuries. The 1914-18 Weltkrieg between Germany and Britain, provided a basis by which this domestic concern had implications for the British Empire, via an event in Ireland which has become known as the *Easter Rising* in 1916, the fallout from which remains unresolved, over a century later.

At noon on Easter Monday 1916, a thousand or so extreme Irish nationalists led by the poet Patrick Pearse, and the socialist James Connolly, marched into Dublin and occupied selected public buildings, notably the General Post Office, where Pearse proclaimed an independent republic. After three days of fierce but futile fighting in which British artillery inflicted substantial damage on the city centre, the rebels surrendered. This was plainly an act of treason-the rebels had in fact asked for, and been sent, German guns-and the initial British response was harsh.⁹² This had far reaching implications.

[T]he brutal suppression by Britain of the Easter Uprising of 1916 turned Irish opinion away from the goal of self-government promised by the moderate Irish Party and towards the more radical independence policy of Sinn Fein (Ourselves Alone).⁹³

Amongst other things, this event set in motion the movement which ended British rule in India, and set the course for a divided Irish history, via the agencies of Sinn Fein and its military wing the Irish Republican Army (IRA) which continues. This coincided with massive losses on the battlefields of France and Belgium, which had to be replaced by means which normal recruiting wasn't matching. The Catholic Church was opposed to conscription, so in Australia, with a sizeable Irish population, suspicion fell on the Irish Catholics to a similar extent, as it did upon the Germans, German Australians and Lutherans, especially when it involved the conscription referenda of 1916 and 1917 to replace the enormous losses in the Western Front.

Who is the 'enemy'?

The link between Australian foreign policy or military activities and the reactions by diaspora communities in Australia is not a new one, but as has been discussed, is one in which police play

⁹² Ferguson, N. (2004) *Empire: How Britain Made the Modern World*, Penguin Books, London, p. 349.

⁹³ Kwan, E. (2014). *Flag and Nation. Australians and Their National Flags Since 1901*. Sydney: UNSW Press, pp. 65–66.

a vital role in the maintenance of social cohesion. When the police themselves question authority and fail to enforce the law, there is a risk of the social contract itself being torn up. This may be due to unjust laws, or to personal feelings held by individual police, based on ethnicity, religion or class, or to a perceived division of loyalties between tiers of government. The following episode at Warwick railway station in Queensland has elements of each, and led to the formation of the first Commonwealth Police.

The Western Front and conscription

The severe Australian Imperial Force (AIF) losses on the Somme in mid-1916 led Britain's Army Council to call for large reinforcements to maintain five Australian divisions. In late August, the British Secretary of State for the Colonies cabled the Australian government notifying it of the heavy losses in France, and warning that as many as 69,500 reinforcements would be needed within the next three months to keep the AIF 3rd Division in service. Britain had introduced conscription in January 1916. New Zealand followed in August. Hughes felt he had no alternative but to do the same. Divided on the issue, his government called a referendum for October 1916.

The Welsh-born Empire loyalist Australian Prime Minister William Morris Hughes was prominent in the conscription efforts in Australia, however this was complicated by the animosity between English Protestantism and Irish Catholicism. This was so acrimonious that when the 1916 referendum on conscription was lost, Hughes blamed the Irish Catholics.⁹⁴ This acrimony intensified in the second referendum on conscription in the following year.

*Hughes returned to the question of conscription late in 1917 when there were genuine fears that Germany might win the war. He called for a second referendum for 20 December 1917, and reached for the race card as part of his campaign by publicly questioning the loyalty of Australia's Irish community. More than a century of good relations between Protestant and Catholic in Australia was put at risk, and at a time of war.*⁹⁵

Following the failure of the first conscription referendum on 28 October 1916, Hughes engaged in a tour by rail to promote the 'Yes' case for conscription, and an incident at Warwick, a town on the Darling Downs in southern Queensland, provided the catalyst for the creation of the first national police force. The political situation within Queensland however, was not conducive to a universal acceptance of this case for more cannon fodder for the quagmire which was the Western Front in France and Belgium.

Warwick was a place where many Irish people settled when they arrived in Australia in the 19th and 20th centuries and contained a strong Irish-Catholic element which was not in favour of the

⁹⁴ Megalogenis, G. (2015). *Australia's Second Chance: What Our History Tells Us about Our Future*. Penguin Books, Australia, p. 170–171.

⁹⁵ Megalogenis (2015), pp. 170–171.

idea of conscription to fight in defence of a government based in London whose troops were occupying their homeland in Ireland.

The Queensland State Government was not only a Labor Government, but the State Premier was of Irish Catholic extraction. The ALP of the time was dominated by Irish Catholics, many of whom had become disillusioned with the imperial nature of the conflict, and the obscene slaughter on the battle fields in France and Belgium. However, it is not unreasonable to also lay the blame in part on the violent reaction to the Easter Rising in Dublin in 1916 which aroused anti-British and therefore anti-conscription sentiments, among the Irish diaspora in Australia, although this has been attributed more to class distinction and state rights than ethnic and religious tension.

The Queensland Labor government of Tom Ryan accused Hughes of being a class traitor. Deputy premier and treasurer Ted Theodore penned an incendiary pamphlet that was as vicious as any wartime propaganda that Australia had aimed at the Hun.⁹⁶ On 19 December Ryan made a speech in Brisbane from which passages were deleted by the Commonwealth censor. Ryan then arranged a debate in the state parliament and read the offending passages into Hansard, while Theodore, who took the opportunity to add two anti-conscription pamphlets that had been suppressed, ordered the Government Printer to publish 10,000 copies of this material as a special issue. Upon hearing this, Hughes ordered all copies be seized and while in Brisbane led a military contingent to the printing office. The Queensland government eventually retrieved its copies of Hansard and for good measure distributed 50,000 copies of a Government Gazette Extraordinary with an account of the events.⁹⁷

At the instigation of an erstwhile leader of democracy; ‘*drunk with the lust of power and flattered to insanity by the patronage of the historic enemies of the common people, Australia stands threatened with that greatest of all industrial and social curses-Conscription.*’ Theodore wrote.⁹⁸

Prime Minister Hughes arrived in Brisbane for a pro-conscription rally on November 26 and following an address he accompanied a military officer and soldiers along with the Queensland censor and seized 3300 copies of Hansard. Two days later on 28 November Mr Hughes departed Brisbane for Sydney aboard the Sydney mail train which at the time passed through Ipswich, Toowoomba, Warwick, Wallangarra and then across the border through New England to Sydney. Hughes addressed meetings at many of these places and while addressing a meeting at Toowoomba promoting the ‘Yes’ case, Premier Ryan was addressing a crowd in Albert Square

⁹⁶ Megalogenis, (2015), p.169

⁹⁷ Macintyre, S (1986), *The Oxford History of Australia: Volume 4, 1901-1942*, Oxford University Press Melbourne, Oxford University Press, p 173

⁹⁸ Megalogenis (2015), p. 16. In this regard, the Irish Catholics in Australia, were in tune with general English thinking on the subject of conscription, James wrote:

The roots of hostility to military conscription lay deep in British history, attitudes, and society. The case for conscription had been made before the war, but had made virtually no impact. Liberals in particular were instinctively opposed to the proposal; the Labour movement, fearing that it would be the first step towards industrial conscription, was adamantly hostile. But the hostility lay much deeper. The State, it was argued, was entitled to ask for the citizen’s services; it was not entitled to demand it. (James, R. The British Revolution: British Politics 1880-1939, Methuen and Co. Ltd, London 1977, p. 329).

in Brisbane, advocating the 'No' case to conscription, repeating the claims he had made in Hansard. The next day, November 29, Hughes departed Toowoomba by mail train Warwick, where he was verbally abused by a large crowd which had gathered at the railway station.

Two brothers of Irish descent, Paddy and Bart Brosnan were among the crowd and threw two eggs at Prime Minister Hughes. The first egg missed but the second one dislodged Mr Hughes' hat. This created a fight between the Brosnans and a number of Mr Hughes' supporters on the railway station platform.

Megalogenis indicates that Mr Hughes attempted to address a meeting of local people at Warwick, which was reported to be a 'howling mob' on the railway platform, when two eggs were thrown by 'Irish egg-hurling larrikins', who were restrained by a returned serviceman, and were allegedly assaulted by Mr Hughes himself who emerged with a bleeding hand after he joined in throwing punches:

As the prime minister stepped off the train, 'he was surrounded by a howling mob', according to an animated account in the Brisbane Courier. Eggs were thrown and the perpetrator was set upon by a returned serviceman, after which Hughes entered the fray, throwing punches at those who remonstrated with him. 'Mr Hughes was hustled and jostled by men twice his size, but when he emerged it was his hand, and not his face that was bleeding. One of the men in the crowd carried a hammer, and another a heavy spanner, but the Prime Minister was daunted by nothing.

According to Megalogenis:

He demanded the arrest of the egg thrower but the officer at the scene, Senior Sergeant Kenny, declined, saying he recognised the laws of Queensland only. Hughes exploded, claiming the men who had attacked him were unworthy of retaining their liberty. "The law shall be obeyed by every man in this country, police or not. Here in this great crisis in the history of Australia and the Empire, when the citizens are asked to decide a question upon which the safety and liberty of Australia depends, the Prime Minister is assaulted and denied the opportunity of free speech." ⁹⁹

Upon finishing his speech, Mr Hughes returned to the train where, he again instructed Kenny to 'proceed against the prime mover at the court the following morning, but Senior Sergeant Kenny again informed Mr Hughes that he was only prepared to recognise the laws of the state'.

Mr Hughes re-boarded the train when the second whistle sounded and still angry the local policeman for refusing to carry out his instructions began drafting a telegram which appointed William Anderson, an inspector with the NSW Police, as head of a newly formed Commonwealth Police Force. Mr Hughes sent this telegram from the border town of Wallangarra and continued on his whistle-stop tour through New England and to Sydney, without incident, telling crowds at Stanthorpe, Glen Innes and Tamworth of the events at Warwick.

⁹⁹ Megalogenis (2015), pp. 173–174.

Hughes presented the referendum as a test of whether Australians were for or against Britain and its Empire: whether they were loyal or not. Describing the anti-conscriptionists as '*every enemy of Britain open and secret in our midst*', he appealed to voters not to 'dishonour' Australia by voting no ... Although a majority of voters supported Australian involvement in the war, they opposed conscription and Hughes narrowly lost the referendum, despite the support of most major newspapers, nearly all state governments, the federal opposition, and the professions. When the Labor Party split in 1916 over conscription, Hughes and his mostly Protestant followers joined former Liberals to form a Nationalist government, with Hughes still in control.

The aggressive policies directed against 'enemy aliens' such as Germans and those of German extraction was one thing; the retaliation against hostile action by Islamic affiliates of Imperial Germany was understandable and manageable. The 'passive resistance' by members of a very large and disaffected Irish Diaspora community was quite another, particularly since the Irish were so heavily represented in the police in colonial, and later State police forces, in Australia. Haldane ¹⁰⁰ estimates this proportion at 82% in the Victoria Police in 1870; in 1862 over 50% (479 of 803) New South Wales police officers were Irish-born. Actual figures for other colonial and early post-federation State police forces are difficult to estimate, but given the trends in Victoria and New South Wales, it is safe to assume that the proportion of Irish Catholics amongst their ranks was relatively high. This situation, particularly in Queensland, created the catalyst for the formation of the first iteration of an Australian National Police Force, the Commonwealth Police.

Sydney academic Jeff Kildea in his 2002 book *Tearing the Fabric: Sectarianism in Australia 1910–1925* highlights some of the rationale behind the attitudes of Irish Catholics in Australia on conscription. The Catholic Press, an influential periodical of the time gradually opposed conscription, particularly following the military suppression of the rebellion in Ireland. The assistant editor, Mr Patrick Scott Cleary was an outspoken critic who 'wrote that compulsory military service was incompatible with democracy and that conscription would have an adverse effect on many industries and that Australia would have to rely on foreign labour. Under the influence of Mr Cleary and others the Catholic Press drew on two aspects of the Irish crisis to support their advocacy of the 'No' case. The first argued that *if the 90,000 British troops enforcing martial law in Ireland were removed to France there would be no need to conscript Australians...and the second argued that 'Australia's adoption of conscription would encourage England to introduce conscription in Ireland.* ¹⁰¹

¹⁰⁰ Haldane, R. (p.82)

¹⁰¹ Kildea, J. *Tearing the Fabric: Sectarianism in Australia 1910–1925* Citadel Books Sydney 2002, p. 139

This was reflective of many Catholic attitudes on conscription at the time as demonstrated by John Meagher MLC in NSW who told a representative of the Catholic Press

'I most strongly object to the conscription of Irishmen and the sons of Irishmen in Australia. Give Ireland the freedom that the people enjoy in other parts of the British dominions before you conscript Australians...I don't see how any Irish-Australian can support it while their mother country is under martial law.' [Catholic press 21 September 1916 p 25] in Kildea.¹⁰²

¹⁰² Kildea, J. (2002) *Tearing the Fabric: Sectarianism in Australia 1910–1925*, Citadel Books Sydney, p. 140.

Section 2: Liberal-democratic policing and democracy

The first Commonwealth Police

Out of that incident Hughes created the Commonwealth Police Force, to uphold law and order ‘in any State which refuses or does not enforce Commonwealth law’. ‘The Warwick incident has done much good,’ he told the Governor-General. ‘Everywhere I have had splendid meetings: there’s going to be a great fight. Glory be to God for that.’ He could not have been disappointed with his eve-of-poll meeting at the Melbourne Cricket Ground and five bands gathered round three platforms. At the platform erected before the members’ stand he obtained a hearing, but at the Richmond end the air was thick with eggs, stones and bottles, and the prime minister did not even attempt to speak.¹⁰³

On Sunday 2 December 1917, the Commonwealth Solicitor General, Sir Robert Garran, called an Executive Council meeting ‘to deal specifically with latent rebellion’ in Queensland... a ‘federal force, soon to be dubbed ‘the Commonwealth Fusiliers’¹⁰⁴...was conceived. *When Hughes announced the establishment of [the CPF]...in Sydney, [he] explained that the ‘Commonwealth proposes to carry out the law of the Commonwealth in the State of Queensland’ where ‘the law is not a thing to be kept but rather despised.*¹⁰⁵

The Commonwealth Police Force was established on 12 December 1917, and was designed to ensure that the Australian government’s measures against the anti-conscriptionists, and against the IWW (International Workers of the World), would be enforced wholeheartedly in Queensland, where the Labor premier, Ryan, had proven hesitant to play ball with Hughes.

The headquarters were established in Sydney. According to Cain this was done *in an effort to disguise the fact that it was entirely an anti-Queensland organisation.*¹⁰⁶ The new force operated primarily in Queensland to carry out the law of the Commonwealth in that state. Most of the recruiting was undertaken in Queensland-then Australia’s only Labor Government...It is of interest to note that there were no statutory functions defined for the police officers, and that as part of their duties, they *conscientiously combed the streets and public gatherings for hard evidence of prevailing disloyalty to King and county particularly the perceived threat of Bolshevism.*¹⁰⁷

¹⁰³ Macintyre, S (1986), *The Oxford History of Australia: Volume 4, 1901–1942*, Oxford University Press Melbourne, Oxford University Press, pp. 173–174.

¹⁰⁴ Evans, R (1988) *The Red Flag Riots: A Study of Intolerance*. University of Queensland Press.

¹⁰⁵ Cain, F. (2007). *The Origins of Political Surveillance in Australia*, Angus and Robertson, Sydney, p. 170.

¹⁰⁶ Cain, F. (2007), p. 174.

¹⁰⁷ Evans (1988), p. 24.

The first Commonwealth Police 1917–1919

As discussed the first iteration of the Commonwealth Police came about as a result of an incident at Warwick Railway Station in Queensland, when Prime Minister William Morris Hughes was pelted with eggs, by Irish egg-throwing larrikins, while addressing a crowd amidst the highly divisive debate on conscription to replace troops depleted on the Western Front. When he demanded that the local police sergeant Kenny arrest the offenders, the latter refused stating that he only recognised the laws of Queensland. There is, however, good reason to suspect that Kenny's motives were, at least in part, also related to affairs in Dublin during the Easter Rising the previous year, where the British army had bombarded the city centre with artillery. In this he would also have found support from the Queensland Labor Government of the day.

Hughes attempting to drum up more recruits for the carnage of the battlefields of northern France on behalf of an Imperial power which had used that same military force on Irish soil, would not have been universally welcomed in all parts of Australia, particularly by those of Irish extraction. As a result, under the *War Precautions Act*, the Commonwealth Police Force was formed. They also became known as 'The Commonwealth Fusiliers', and perhaps more unkindly as 'HENZACs'¹⁰⁸ a corruption of 'ANZACs', because they had been hatched from an egg. At its height it numbered about 50 and although it was based in Sydney it operated primarily in Queensland, then with the only Labor government. This iteration ceased to exist in 1919 shortly after the Armistice was signed in 1918.

The formation of the Australian Federal Police

In 1901 the former British colonies in Australia federated and became States, and one Territory (later to become two), but it was not until nearly 80 years later that a federal police agency was actually formed. The Australian Federal Police (AFP) was established on 19 October 1979. One of the 'model' police for policing in the Australian colonies, the 'new' London Metropolitan Police was formed 150 years earlier on 29 September 1829. The Peelian model of policing had been adopted by all Australian colonial police forces by federation and had been adapted to suit the local circumstances and environment.

It was a former Commissioner of the London Metropolitan Police, Sir Robert Mark, whose report, in response to a terrorist bombing in Sydney in 1978, provided the foundation document of the AFP. In his report, he re-iterated the Peelian notions of consent-based policing, and specifically mentioned that to give it legitimacy, it should have a metropolitan base.

The foundation of Canberra as Australia's national capital: Canberra a Metropolitan base

¹⁰⁸ *AFP Hatched from an Egg*, Andrew Kidd Fraser, *The Australian*, 22 November 2017.

In his report, Mark highlighted the need for a metropolitan territorial base. That metropolitan base was, and remains Australia's national capital city, Canberra, in the Australian Capital Territory (ACT). Mark commented:

[t]hose who framed the Constitution can hardly have foreseen the motor vehicle and the aeroplane. Arrangements for the governance of States which were adequate for trade, public order and the social requirements of the nineteenth century are not appropriate for dealing with serious wrongdoing which transcends State jurisdictions and affects the Commonwealth as a whole; terrorism, narcotics and organised crime being perhaps the most obvious examples.

There is today and undoubted need for a federal agency to co-ordinate the efforts of all police forces against interstate crime and terrorism. But in my view it must have a metropolitan territorial base if it is to achieve the status and recognition necessary to its role.

*...at the best, I am being asked to cobble an ill-fitting 19th century boot.*¹⁰⁹

The establishment of Canberra as the national capital came about shortly after federation in 1901. There were various discussions amongst the State Premiers about its' location. The New South Wales Premier, George Reid, insisted that the national capital be located within the state borders of New South Wales. Other Premiers insisted that if that were to be the case, it should be at least 100 miles (160 kilometres) from Sydney, to avoid undue influence from that city. The new national capital also had to be inland for fear of naval bombardment and disease, and according to prevailing attitudes, it also had to be in a cold climate as *whites could only really thrive and lead by living in a cold climate.*¹¹⁰

The district where Canberra is located, was settled by Europeans in the early 19th Century. In 1815 a road was constructed across the Blue Mountains to the Bathurst Plains. In 1820 explorers Joseph Wild, James Vaughan and Charles Throsby Smith, discovered the Limestone Plains of the Canberra region, following the discovery of Lake George earlier that year. They crossed the range of hills beside Lake George and reached a point from which they saw what is now the site of Canberra.

The first European settler in the district was Joshua John Moore, who established a stock station called 'Canberry'. It is thought the name Canberry is based on an Aboriginal name for the area 'Kamberra' or 'Kambery'. The middle of Moore's property is approximately where Canberra's city

¹⁰⁹ Mark, R. (1978). *Report to the Minister for Administrative Services on the organisation of police resources in the Commonwealth area and other related matters*. Canberra: Australian Government Publishing Service.

¹¹⁰ Headon, D. quoted in Morris, L (2017) *Why Canberra? Should we reconsider our capital city? Why was Canberra chosen in the first place?* National Geographic.
<http://www.nationalgeographic.com.au/history/why-canberra.aspx>

centre is currently sited. By 1820 a road from Sydney to the Goulburn Plains, which lie within 100 kilometres of Canberra, was under construction.

This opened up the vast interior of New South Wales to further exploration and development. The New South Wales Government commissioned a report suggesting possible locations for the seat of Government for the new Commonwealth of Australia, which as stated had to be within the State boundaries of New South Wales. The report suggested three places - Bombala, Yass-Canberra, and Orange - which made it to a short list, and suggested others which were rejected, which included Albury, Tumut, Cooma and Armidale. Noteworthy is the fact that only Orange and Armidale are north of Sydney, the remaining candidates being located in the south east of New South Wales.

Subsequent to Federation in 1901, the Commonwealth Parliament was formed. The opening ceremony was held on 9 May 1901 in Melbourne's Exhibition Building. The Commonwealth Parliament continued to sit temporarily in Melbourne as the site of the national capital had not yet been decided. The decision for the Yass-Canberra region was made in 1908 by the Commonwealth Parliament based on the NSW short list, and shortly afterwards, the Commonwealth surveyor, Charles Scrivener, was dispatched to choose a site. His instructions were to choose somewhere picturesque, distinctive, and with views. In 1913, Canberra became the official name for the area, and in 1927 the Commonwealth Parliament and many of its public service support departments moved from Melbourne to the new capital.

Section 3: Australian federation and the AFP

The formation of the Australian Federal police

Federation: The Commonwealth

Federation was not universally accepted in 1901. Many colonial citizens, including politicians were suspicious of federation. There were however, pressures, both internal and external which formed the catalyst for the colonies to come together and form a national government for certain purposes. These included the economic damage done by internal customs barriers at each colonial border, the need for an effective and common immigration policy and security fears arising from German activity in the Pacific, particularly in New Guinea in the 1880s.

In the 1890s, the movement towards federation gained momentum, and a number of constitutional conventions were held in various locations throughout the colonies. The objective was to draft a form of constitution which would be suitable for submission to the Imperial Parliament in London, which retained the power to amend the constitutions of each colony, and to form a national government. Drafts were considered by the Parliaments of the Colonies, submitted to referenda and, in 1900, a form of draft constitution was approved by the electors in the six

Colonies. This became the subject of discussion between the representatives of the Colonies and the British Government. After slight amendments to the draft approved by the Colonial electorates, the *Commonwealth of Australia Constitution Act 1900* was passed by the Imperial Parliament in London. The Australian Constitution is part of this Statute, under the terms of which, the Commonwealth came into being on 1 January 1901.

The Australian Federation was, and remains, an agreement between the former colonies to unite for certain purposes which are contained in s51 (concurrent powers) and s52 (exclusive powers) of the Australian Constitution. Seven Commonwealth Departments of State were formed: three replacing existing Colonial departments: Trade and Customs, Post and Telegraph and Defence and four new departments: Prime Minister, Treasury, Home Affairs and Attorney-General. In relation to Federal or Commonwealth crime, of the four basic elements of the criminal justice system, only the federal legislature and aspects of a federal judiciary were established at federation. Policing and corrections were not. In terms of policing at a national level, there were a series of ad hoc reactions, primarily related to the reaction to the wars which were the scourge of the first half of the 20th century. These were broadly referred to as the Commonwealth Police.

The second Commonwealth Police 1927-1960

The second iteration of a national police force was in 1927, when eight New South Wales police officers became the first police to operate in the Federal Capital Territory (FCT), later the Australian Capital Territory (ACT). This national force, was supplemented by ten Peace Officers. They eventually assumed policing duties for the FCT from NSW, which had jurisdiction over the area until then, and became known as the Commonwealth Police (Federal Capital Territory). This coincided with the relocation of the Commonwealth Parliament from Melbourne to Canberra in 1927.

In the 1930s, the high level of civil unrest, necessitated the swearing in of Special Peace Officers at Commonwealth Departments. Strikes at strategic establishments, such as munitions factories, saw the creation of the Defence Establishment Guard which in 1940 merged with the Peace Officers to become the Peace Officer Guard. The plainclothes equivalent, the (Australian) Commonwealth Investigation Service (CIS) had also established offices in all states and existed between 1945 and 1960.

The CIS had evolved from the (Australian) Commonwealth Investigations Branch (CIB) which had existed between 1919 and 1945. The major task of the CIB was the monitoring of all enemy aliens. In 1960 the Commonwealth Investigations Service (CIS) and the Peace Officer Guard amalgamated to form the third iteration of the Commonwealth Police, which continued investigations and surveillance duties, and eventually assumed guarding duties for diplomatic missions and international airports.

The Third Commonwealth Police 1960-1975

The third iteration of the Commonwealth Police existed from 1960 until 1975, and was an amalgamation of the Commonwealth Investigation Branch and the Peace Officer Guard. It was this iteration of the Commonwealth Police, which became the international face of Australian policing, which included duties with the United Nations which commenced with service in the troubled island of Cyprus in 1964.

Although the first thirteen contingents to Cyprus were actually a combination of State and Territory police, wearing Commonwealth Police uniforms, eventually all police contingents to Cyprus consisted entirely of Commonwealth Police. Following amalgamation in 1979, the AFP became the Australian government's international police representative, primarily in UN missions, and assumed the role as Australian Civilian Police within a United Nations Peacekeeping mission-the United Nations Force in Cyprus (UNFICYP). It was also this iteration of the Commonwealth Police which became part of the proposed Australia Police in 1975. The AFP was formed in 1979 as an amalgamation of three distinct entities: (1) The Australian Capital Territory Police, (2) The Commonwealth Police and later the (3) Federal Narcotics Bureau.

The Australian Capital Territory Police 1957-1979

In 1883 the NSW Police Force established a police presence in the Canberra area and continued to undertake policing duties when the Federal Capital Territory was proclaimed in 1911, as the seat of the Australian Parliament, until the Commonwealth Police (FCT) was established in 1927. In 1926, the Commonwealth Attorney-General determined that policing in the Territory should be performed by a local force. In 1927, the Federal Capital Territory Police (FCT) was formed and staffed by 11 men, 10 former Commonwealth Peace Officers and the former NSW Police Sergeant, who had been in charge of the NSW Police contingent in Canberra. The force changed its name to the Commonwealth Police (Australian Capital Territory), until 1957 when it formally adopted the name, Australian Capital Territory Police Force. The ACT Police performed all of the community policing functions of the State police in other jurisdictions, and lent credence to Sir Robert Mark's requirement for a metropolitan base for the AFP.

Upon amalgamation in 1979, the AFP assumed responsibility for general community policing in the ACT, and various external territories controlled by the Federal Government, including the Jervis Bay Territory, on the New South Wales south coast, Norfolk Island, in the Pacific Ocean and Christmas Island and Coco (Keeling Islands) in the Indian Ocean. The AFP retains this role to this day, notable as the ACT attained self-government in 1989, but did not reinvigorate its own police force. The AFP performs this function in the ACT on a contractual basis with the ACT Government. It is now known as 'ACT Policing' rather than the ACT Police to reflect the fact that it is not a discrete entity but a sub-unit of the greater AFP.

The Federal Narcotics Bureau

The Federal Narcotics Bureau, a division of the Australian Customs Service, was incorporated into the new AFP in November 1979, one month after its formation. The bureau was established, as a direct result of a review into Australia's counter-terrorism capabilities, undertaken by Sir Robert Mark. The review followed the bombing of the Hilton Hotel in George St Sydney on 13 February 1978.

The Australian Federal Police 1979

The AFP was formed on 19 October 1979 under the *Australian Federal Police Act 1979* after the merging of the former Commonwealth Police and the Australian Capital Territory Police. In November 1979, the Federal Narcotics Bureau was transferred to the new agency. In 1984, the protective service component of the AFP, was separated forming the Australian Protective Service (APS) governed by the Attorney-General's Department. The APS was transferred back to the AFP twenty years later in 2004.

The AFP enforces federal law and protects federal and national interests from crime in Australia and overseas. The AFP is Australia's international law enforcement and policing representative, and is the chief adviser on policing issues to the Australian government. Traditionally the types of crime addressed by the AFP revolved around narcotics importations, and fraud committed against the Commonwealth. These duties also involved the burgeoning emergence of organised crime, particularly with an international aspect. At this time, South East Asia was the major transit region for heroin coming from the 'Golden Triangle' in the border area between Laos, Thailand and Myanmar.

As a result, the AFP established an International Liaison Officers Network, to act as an effective operational and criminal intelligence interface between Australian law enforcement and host nation police in nations, with the policy of addressing crime as close to its source as possible. Particular emphasis was placed on drug source and transshipment countries, especially in South East Asia. In addition to these duties, the AFP inherited the international aspect of Australian policing from its predecessor the Commonwealth Police, including UN service in Cyprus, dating from 1964, which in 1979 had been operating for fifteen years. This was the vanguard of a proud history of Australian international 'boots on the ground' policing, primarily but not universally with the UN. The international aspect of the AFP continues and falls under the International Operations portfolio. In 2017 the Australian Government announced the proposed amalgamation of the AFP, the Australian Security Intelligence Organisation (ASIO) and the Department of Immigration and Border Protection (DIBP) into a UK style Home Office, under one Minister. One of the influences the AFP can have in such a large department is the adherence to Peelian policing approaches which are more likely to protect rather than abuse power, due primarily to the community-based approach with its foundation in the metropolitan base, Australia's national

capital city, Canberra. Interestingly, the Home Affairs department was one of the original new federal departments created at federation.

Peelian policing principles

Noteworthy is the fact that the Peelian approach to policing had been extant in the Australian colonial police forces which took some time before it was universally approached. In his Report, Sir Robert Mark provided direct encouragement for this approach, based on his own experiences in the London Met. The significance of the Mark Report as a foundation document for the AFP is manifold. Its primary significance, however is that the adoption of Peelian approaches to policing should be adopted at a national level, when alternative approaches involving more intrusive or forceful methods, could well have prevailed. The primary features are (1) separation from political control; (2) accountability; (3) public consent; and (3) the minimum use of force.

The report also draws a distinction between administration and operations, which creates a situation where operations are impartial and free from political interference which is the antithesis of impartiality. The rationale for this, is that any community perception that operational police decisions have been subject to political influence, will have a tendency to result in an adverse view of the reputation and status of the force that underpins public confidence and trust. Institutionally and individually, police consciously and unconsciously monitor, regulate, and enforce, the social contract between the community and its government, and strict impartiality is an essential aspect of this.

This is the essence of liberal-democratic, consent-based policing where, as an institutional representative of both the community and its government, the police represent government by consent rather than by coercion, relying on prestige rather than power to achieve its objectives. The significance of this for police, is that the community generally resolves its own disputes, and settles its own affairs, freeing up scarce police resources to address more serious issues.

Summary and conclusion

It is Peelian policing principles, developed in London in 1829, in response to the excessive use of military force, which were eventually adopted by all Australian colonial police in the 19th century and also adopted by Australia's national policing agency, the AFP from the outset in 1979. It is these values-based principles and approaches that all members of the AFP carry with them in the execution of their duties both domestically and internationally. The AFP has developed a number of its own overtly stated values. They are *Fairness, Accountability, Trust, Integrity, Commitment, Excellence and Respect*. The issue at hand is whether these values and principles and approaches can be transferred to other police agencies with which the AFP deals as part of its international mandate. Another issue related to globalised policing is how these values, principles and

approaches can be sustained in the continual and moveable balance between the preservation of individual rights and freedoms and collective security domestically and internationally. These are not without their challenges as will be discussed in the following chapters. One particularly challenging area for police operating internationally is many of the areas requiring international intervention are undergoing such extreme civil disorder that a consent-based liberal-democratic policing posture is impossible and it is only by more forceful and intrusive means that order can be restored, laws enforced and justice done. Even being sworn to a benevolent institution like the Crown is no guarantee that authority will not be abused. A discussion of two counter-insurgency operations in which police took a lead role highlights this in the context of the prevailing security and criminal threat environment in which the police were operating.

Authority and accountability: Systems and circumstances

As previously discussed, the relationship between the Crown and the police, via their respective oaths of '*law and justice in mercy*', and applied objectively and impartially '*without fear, favour, affection or ill-will*', provides a solid foundation upon which to build a consent-based model of policing. This in turn is essential to the legitimacy which underpins sustainable peace and stability. It is a robust and elegant mechanism which balances both authority and accountability.

Not all policing approaches adopt this finely tuned and flexible balance between respecting the rights of individual citizens and the expectations of the broader community in relation to safety and security. Authoritarian and totalitarian policing systems tend to serve the political elites at the expense of the rights and freedoms of ordinary citizens. They are very effective at meeting security criteria, but generally at the expense of individual rights, via both force and intrusion where authority is maximised, but accountability is minimised. The best examples of this sort of policing are those from the former Eastern Bloc communist countries and existing communist countries such as the Democratic People's Republic of Korea (North Korea).

The European policing model, the '*gendarmerie*' model, adopted in most of continental Europe is forceful and intrusive, but not to the extremes of authoritarian or totalitarian policing approaches. In fact it was repugnance at the French para-military policing model during the French Revolution and Napoleonic periods which shaped British political attitudes in the early 19th Century and led to the establishment of the London Metropolitan Police in 1829, as a specific non-military institution which relied almost exclusively upon cooperation from the public and adopted a posture of minimal use of force. This was the model which was eventually adopted in the Australian colonies as they centralised their administrative and judicial systems, including the police. Prior to this, policing in the Australian colonies had been ad hoc and was often based more on functional lines such as goldfields police, mounted police or water police, than territorial lines.

It was the centralisation of policing within identifiable sovereign jurisdictions within an accountable and well-functioning judicial system which formed the foundations upon which contemporary Australian liberal-democratic policing rests.

Liberal-democratic policing in the context of this thesis has a number of distinctive features including police primacy, namely the principle that sworn police retain a monopoly on the use of force including armed force, within a given jurisdiction; the principle that the use of force is a last resort used in self-defence or in defence of a third party at risk of death or serious injury; that force is minimised and that it is legal, reasonable, necessary and proportionate to the threat posed; and that all actions by police are accountable at both the institutional and individual level through a functioning judicial system and an open and transparent media. These are essential elements in a functioning liberal democratic policing approach as they tend towards broad acceptance by the majority of the community being policed.

The central role played by the Crown in this has been discussed in relation to oaths, but it also needs to be recognised as an institution which occupies space which could potentially become politicised, which has a high potential for adverse impacts on impartiality and objectivity as it risks compromising the apolitical nature of the administration of justice, thus undermining its legitimacy. Noteworthy is the fact mentioned earlier that even in British-based liberal democracies, parliamentarians do not swear an oath to act without fear, favour, affection or ill-will, yet it is parliamentarians whose policies shape the way in which services, including police, direct and conduct their activities, particularly when involved in hostile environments. It is politicians who formulate the policy settings under which police deploy internationally.

Counter insurgency policing

Consent-based liberal-democratic policing can only really be effective if the overwhelming majority of the population actively supports, or is at least indifferent to the prevailing system of government. Should this level of consent change, a liberal-democratic posture, is difficult to maintain. Therefore in extreme circumstances, even police from liberal-democratic societies can adopt extreme measures more reminiscent of authoritarian or ad hoc systems. This is illustrated further by a comparison of policing models in two counter-insurgency operations conducted by the British Government in the 20th Century. The first, a counter-insurgency operation in Ireland in the 1920s was not well handled and resulted in further alienating the public and the loss of British sovereignty and an independent and divided Ireland, which has contemporary repercussions in relation to relationships with the European Union (EU). The second, a counter-insurgency operation in Malaya between 1948 and 1960, masterfully orchestrated by the outgoing colonial British, resulted in a relatively peaceful transition to an independent Malaysia, within an expanded Association of South East Asian Nations (ASEAN). Ironically both involved significant influence by Sir Winston Churchill.

There are a number of similarities in the way in which these two counter-insurgency operations were conducted, but there were also a number of significant differences, particularly in the way para-military police forces were used and the levels of control and accountability to which they were subjected. The injudicious and indiscriminate use of force in Ireland undermined the meagre amount of public consent, whereas the effective use of police intelligence in Malaya, to target force accurately against an increasingly isolated insurgent population, minimised exposure of the general population to hostilities, whilst retaining a functional government, and thereby maintained a relatively high level of community consent.

At first blush it may seem to be a long stretch linking events in Ireland in the 1920s with events in Malaya in the 1950s. The link, however, is more apparent when the fact is recognized that both involved a combined effort of military and police and that both involved British forces, serving under the Crown, whose legitimacy, it has been argued, underpins good governance. Both counter-insurgency operations involved police using extreme methods which would be unacceptable in a liberal-democracy. In Ireland it was based on physical force, which lapsed into brutality, with little strategic thought, whereas in Malaya it was far more nuanced and was based on a well-considered strategy involving the effective use of a 'carrot and stick' approach to both 'win hearts and minds' and isolate the insurgents to prevent the spread of hostile influence.

Information relating to these two counter-insurgency operations has been sourced from Irish and Australian historians in relation to the Irish matter and from British and American sources in relation to the Malayan Emergency. A paper published in 2001 by the Queensland historian John Ainsworth provided some very useful information relating to the Royal Irish Constabulary and their Black and Tan and Auxiliary components. This was supplemented by some detail provided by Irish commentators on the original Bloody Sunday in Dublin in 1921.¹¹¹

The detail relating to the *Malayan Emergency* was sourced from two very informative documents. The first is Noel Barber's 1971 book *The War of the Running Dogs* which provides a personal account in addition to a well-documented account of this seminal moment in the fighting

¹¹¹ Ainsworth, J. (2001) *The Black and Tans and Auxiliaries in Ireland 1920-1921: Their Origins, Roles and Legacy*, School of Humanities & Social Science, Queensland University of Technology.

[https://eprints.qut.edu.au/9/1/Ainsworth_Black_conf.PDF]

Bloody Sunday: Today in Irish History (2011), 21 November 1920.

[<http://www.theirishstory.com/2011/11/21/today-in-irish-history-bloody-sunday-november-21-1920/#.Wph1XTYUncs>]

Lawlor D, (2015) *The Black and Tan War: Nine Fascinating Facts About the Bloody Fight for Irish Independence*. [<http://militaryhistorynow.com/2015/11/09/the-black-and-tan-war-nine-fascinating-facts-about-the-bloody-fight-for-irish-independence/>]

withdrawal of the British Empire. The second, written by Robert Komer for the RAND Corporation in 1972 when the United States had spent so much blood and treasure in Vietnam.¹¹²

Ireland 1919–1921

What has become known as the Irish War of Independence took place between January 1919 and July 1921. It was an undeclared war which involved approximately 15000 Irish guerrillas fighting against a British military and police force of about 42,000. Lawlor states there were nearly 2000 casualties including 750 civilians.

In the Irish situation the extant police body, the Royal Irish Constabulary (RIC), was located in poorly fortified housing throughout the rural areas and as such became increasingly subject to hostile activities by the Irish Republican Army (IRA). This violence and intimidation caused increased casualties among the RIC, causing it to withdraw to more defensible locations from which they conducted their patrols. They were supplemented by two groups of para-military police members: the infamous Black and Tans, many of whom were former soldiers and veterans of the 1914-18 war, and the Auxiliary Division of the RIC (ADRIC), who were officers with similar backgrounds. The British Government established recruiting centres in the major cities in mainland Britain, including London, Liverpool, Birmingham and Glasgow, specifically to recruit military veterans for service in Ireland. Many of these men had been subjected to and perhaps brutalised by the horrors of trench warfare and constant bombardment during their service and many no doubt were suffering from what is now known as Post Traumatic Stress Disorder (PTSD), whereby their moral compasses were adversely affected. Their actions whilst in ‘police’ service in Ireland certainly reflected this. This was a political decision against best advice from quarters best placed to provide that advice.

As Ainsworth points out:

...London and the Secretary of State for War...Winston Churchill...were clearly responsible for ...the process of militarizing the RIC, namely the creation of the Auxiliary Division. Churchill planted the seed of an idea in this regard at a conference of ministers in London on 11 May 1920 when, in proposing an alternative to substantial reinforcements for the Army in Ireland, he suggested raising a special force of 8,000 ex-soldiers to reinforce the RIC instead. Furthermore, he persisted with his proposal for ‘the prompt raising of a special Corps of Gendarmerie ... in aid of the Royal Irish Constabulary during the emergency period’ despite the clear opposition of a military

¹¹² Komer R. (1972) *The Malayan Emergency in Retrospect: Organisation of a Successful Counterinsurgency Effort*. Advanced Research Projects Agency RAND Corporation, Santa Monica California.

Barber, N. (1971) *The War of the Running Dogs, How Malaya Defeated the Communists 1948-60*. Collins London 1971.

Hack, K. (2009) *The Malayan Emergency a Counterinsurgency Paradigm*, Journal of Strategic Studies, 32:3, 383-414, DOI: 10.1080/01402390902928180

*committee of review appointed by Cabinet and chaired by the new GOC in Ireland, General Sir Nevil Macready, which rejected the idea as 'not feasible.'*¹¹³

Both the *Black and Tans* and the *Auxies* displayed a '*...tendency to engage in wanton destruction of property, indiscriminate shooting and violence and, on occasions, even deliberate murder, in their apparent quest to administer random terror.*'¹¹⁴

As one IRA members is quoted as saying:

*They had a special technique. Fast lorries of them would come roaring into a village, the occupants would jump out, firing shots and ordering all the inhabitants out of doors. No exceptions were allowed. Men and women, old and young, the sick and decrepit were lined up against the walls with their hands up, questioned and searched. No raid was ever carried out by these ex-officers without their beating up with the butt ends of their revolvers, at least a half-dozen people. They were no respecters of persons and seemed to particularly dislike the Catholic priests.*¹¹⁵

This sort of brutality captured the attention of the press in Ireland, England and significantly in the United States with its large Irish diaspora. This invited Britain's critics to accuse the British Government of '*...conniving in a systematic program of barbaric reprisals against the Irish people.*'¹¹⁶

It should not be forgotten however, that the brutality was not one-sided. The term 'Bloody Sunday' in contemporary terms is usually associated with the indiscriminate shooting by British Army paratroopers at a civil rights demonstration in Derry/ Londonderry in January 1972 which killed thirteen civilians. The original term in Ireland's troubled history however, relates to an incident on 21 November 1920. On that date Michael Collins, the IRA Chief of Intelligence, led an armed gang known as 'The Squad' to murder all identified British intelligence agents in Dublin. Collins had an original list of 50 names, but this was shortened to 35 following objections raised by Cathal Brugha, the IRA's Minister for Defence. Brugha had been the Chief of Staff of the IRA and had argued against ambushes of British forces unless there had been first a call to surrender. This had been rejected by the IRA brigade commander as impractical. The IRA under Collins preferred assassination.

Collins and his gang murdered 14 British officers on 21 November 1920. This included two 'Auxies' who had stumbled across one of the shootings. As news of these murders spread the RIC drove to a football stadium at Croke Park where a Gaelic football match was scheduled, ostensibly to search for the offenders. Upon arrival, Black and Tan members of the RIC dismounted from their vehicles and without provocation began firing indiscriminately into the crowd,

¹¹³ Ainsworth (2001), p. 2.

¹¹⁴ Ainsworth (2001), p. 3.

¹¹⁵ Ainsworth (2001), p. 6.

¹¹⁶ Ainsworth (2001), p. 4.

coincidentally also killing fourteen. In all 228 rounds were fired including 50 rounds fired from a machine gun mounted on an armoured car, over the heads of the fleeing spectators.¹¹⁷

This precipitous action further exacerbated an already dire situation, as the majority Catholic population lent more support to the IRA and eventuated in a complete rout of the RIC, to the six counties in the province of Ulster in the north-east of Ireland, and its disbandment and re-naming as the Royal Ulster Constabulary, later to become the Police Service of Northern Ireland. British sovereignty was lost. The policing vacuum in the Irish republic was filled by the Garda Siochana, the Guardian of the Peace, in 1923.¹¹⁸

This sort of ad hoc and violent policing was anything but conducive to the restoration of law and order in Ireland, and in fact made the situation worse. These sorts of reprisals by a clearly uncontrolled and non-accountable para-military police, provided Sinn Fein with a propaganda gift and turned British and United States opinion further against British Government policy in Ireland. Those who disapproved included King George V. As a result, Britain not only lost its sovereignty over Ireland; it attracted significant opprobrium for the poor handling of a situation, which lingers to this day.

The implications for Australian policing arising from this unfortunate escalation of hostilities in Ireland are not immediately apparent. Indiscriminate and violent actions by forces representing the Crown and terrorist campaigns by the IRA have soured relations both in Ireland and in Britain. In Australia, Catholic-Protestant sectarian troubles which were once widespread are no longer apparent. There is a residual effect which may impact upon police in the form of a resurgent Australian republicanism, partially based on lingering bitterness among some descendants of Irish diaspora communities in Australia, actively working to remove the role of the Crown in the Australian Constitutional arrangements. The significance of this may not seem readily apparent, unless it is considered in the light of the oath police and judges swear when they promise to conduct their duties '*without fear, favour, affection or ill-will*', under the direct link to the Coronation Oath of '*law and justice in mercy*'.

There was clearly an absence of '*law and justice in mercy*' and an overt presence of '*fear, favour affection and ill-will*' on the part of both the IRA and the RIC and its supplements. The poor

¹¹⁷ *Bloody Sunday: Today in Irish History* (2011), 21 November 1920.

[<http://www.theirishstory.com/2011/11/21/today-in-irish-history-bloody-sunday-november-21-1920/#.Wph1XTYUncs>]

¹¹⁸ Noteworthy is the fact that the AFP and Garda Siochana members developed a very strong working relationship whilst both organisations were deployed as UN Civilian Police in Cyprus. One example of this is long-standing mutual agreement on the assumption of duties in each other's sector on days of national significance: St Patrick's Day on 17 March and ANZAC Day on 25 April.

handling of the Irish situation by the British Government in the 1920s can be contrasted with the adept handling of the situation in Malaya in the 1950s.

Malaya 1947–1960

The Malayan Emergency was a British-led operation conducted on the Malayan Peninsula between 1947 and 1960. It involved 40000 British and Commonwealth troops, including Australians and 67000 police, predominantly Malayan, including Special Constables, fighting an insurgency involving about 8000 mainly ethnic Chinese guerrillas located mainly in camps deep in the jungle.¹¹⁹ The casualty figures were 6710 insurgents killed, 1287 captured, 2707 surrendered and 2810 wounded. Police casualties at 2947 were significantly higher than the 1878 military casualties. Civilian population casualties were 2473 killed, 1385 wounded and 810 missing.¹²⁰

The insurgency was split into two groups, the first a small deadly strike force operating from covert jungle bases, and the second a large dispersed group in the main population centres supplying money, food and information. Many ‘...worked as waiters in British clubs, as clerks in government offices, as school teachers, newspaper reporters. Others operated among the squatters in the jungle fringe, tappers on the estates, in the rabbit warrens of big cities...’¹²¹

With long, sometimes bitter, experience in population-based conflict, the British recognised that pouring more troops into the jungle was not the solution but, taking a leaf from the American revolutionary John Adams about the hearts and minds of the people’, formulated a carrot and stick approach to population control, both physically and psychologically.

From the very start of operations, the British recognised that this was a war of political ideologies and that what was required was ‘armed support for a political war, not political support for an army war.’¹²² They worked with their Malayan counterparts to reform government services and placed the military in support of a police-led security operation, with police Special Branch playing a vital role in intelligence collection and effective targeting operations, both in physical terms and as a vital part of an information operation or psywar. Initially the military had enjoyed free reign ‘with virtually no interference, particularly as at first the police had been ineffectual.

¹¹⁹ Hack, K. (2009) *The Malayan Emergency a Counterinsurgency Paradigm*, Journal of Strategic Studies, 32:3, 383-414, DOI: 10.1080/01402390902928180

¹²⁰ Komer R. (1972) *The Malayan Emergency in Retrospect: Organisation of a Successful Counterinsurgency Effort*. Advanced Research Projects Agency RAND Corporation, Santa Monica California.

¹²¹ Barber, N. (1971) *The War of the Running Dogs How Malaya Defeated the Communists 1948-60* Collins London 1971, p. 29.

¹²² Barber (1971), p. 57.

To the military mind this was *'just the job for an army' and it was unthinkable...that 'a bunch of coppers would start telling the generals what to do.'*

The British High Commissioner Sir Henry Gurney disagreed and based his position on the belief that if:

the army were given its head...it would...lead to a pattern of escalation, a need to impress with military might, the inevitable bombing of innocent civilians, resulting in hatred of authority...In this kind of war, one stray bomb that killed one innocent child could make a thousand enemies...it was better to police the villages than destroy them.

Gurney believed that arms alone could never win a guerrilla war and that political stability was the major determinant. Normal daily government had to function and be seen to function to avoid the millions of *'bemused, bewildered bystanders caught up in the turmoil of war and terror'* turning to communism.¹²³

Gurney was assassinated by insurgents in a deliberate ambush on a remote country road in October 1951. Unfortunate as this was, it was catalyst for more robust action under the government led by the returning Prime Minister Winston Churchill. As Barber states:

*For the British, the murder of Gurney would pave the way to victory. It had needed his death to galvanise the British government in Whitehall into serious action, to make them realise that without a supremo to run a real war, there could be no victory. By chance, Gurney's death coincided with the last breaths of the Socialist government in Britain, so that within a few weeks one dynamic man would at last see the threat in Malaya for what it really was.*¹²⁴

The supremo was a former Vice Chief of the Imperial General Staff, Sir Gerald Templer, who was appointed following a visit to Malaya by Churchill's Colonial Secretary the Rt Hon. Oliver Lyttelton, who recommended a unified civil-military command under one man. In February 1952 Templer combined the positions of High Commissioner and Director of Operations, thus ameliorating the problem of divided command at the top and the problem of having the police tell the generals what to do, because he was a general himself.¹²⁵

Templer also set about full participation by Malayan Government officials in a committee-based decision-making process, where policy was determined centrally but implemented at the state and local levels, with full and equal participation by Malayan Government officials. This set the framework for the remainder of the conflict where ... *'the highest direction and operational conduct of counter-insurgency throughout the 1948-1960 Malayan Emergency were on both a joint civil-military and a combined British-Malayan basis.'*¹²⁶

¹²³ Barber (1971), p.p. 58–60.

¹²⁴ Barber (1971), p. 123.

¹²⁵ Komer (1972), p. 30.

¹²⁶ Komer (1972), p. 33.

Road to conflict

The stakes were high. In the post-1945 world, two broad camps emerged: the market-based pro-western alliance, led by the United States and the international communist world, led by the Union of Soviet Socialist Republics (USSR) in Europe and the communist People's Republic of China (PRC), following the communist victory in China in 1949. Peninsula Malaya, a British colonial possession, was surrounded by the strategic waterways of the Malacca Strait to the west, the Johore Strait and Singapore to the south, and the South China Sea to the east. These waterways linked the oilfields in the Middle East with the industrial nations in the Far East- Taiwan, Japan and Korea-whose stability and economic development was vital to the U.S. strategy of containment of Chinese expansionism. The peninsula was mostly covered by thick jungle. The major economic activity involved tin mining and rubber production, both vital for the industrial economies of the world. The population of Malaya consisted of Muslim Malays who accounted for about 50 per cent of the population and ethnic Chinese from various parts of China accounted for about 37 per cent of the population, with the remainder being significantly represented by ethnic Indians. Very few of the ethnic Chinese were Malayan citizens and as a result were under-represented in Malayan Government employment.

The Malayan communist movement emerged from ethnic Chinese who, supported by the British during the 1939-45 war against the Japanese, fought a very effective guerrilla war against the Imperial Japanese forces. Their motives appear to be related to the invasion of China by the Japanese in this period. With the end of hostilities in 1945, these guerrillas began agitating for an independent Malaya, along with many others in South East Asia and Indo-China. The conflation of these nascent national liberation movements with expansionist communism in this region created a concern in the 'west' that the strategic waterways and the resource bases could be compromised. Nation-wide guerrilla warfare which became a new and terrible force in Asian countries such as Vietnam, Cambodia and Laos was also a possibility in Malaya unless the situation was handled carefully.

Some commentators are unconvinced that the *Domino Theory*, as it became known, was based on sound analysis; however the words of Malaysia's first Prime Minister Tunku Abdul Rahman in 1957 on this subject, after eventual independence, are worthy of repetition:

The Tunku was not...pleased when thirty-five Socialist MPs in London demanded that after Merdeka [independence] British troops should be withdrawn as 'their presence was incompatible with Malayan Independence'. This attitude, the Tunku felt, was part of a Communist strategy to encourage a similar 'End the War' demand in Malaya.

It is as much the duty of the British people as of the Malaysians themselves to meet and crush the Communist challenge,' he said. 'It is accepted by all the free world that the fight against the Communists in Malaya is not Malaya's concern alone. The Reds are trying to establish Communist dictatorships in South-East Asia-if they succeed, the whole of South-East Asia will be lost. Malaya is engaged not only in a life and death

*struggle, but also in a struggle to free this part of Asia from the Communist menace. If the British and other Commonwealth countries were to withdraw their support and leave Malaya to shoulder the burden alone, it would be necessary for this country to double her security forces and expenses in order to end the war.*¹²⁷

This was said in 1957, however the sentiments held by the Tunku prevailed in 1947, when anti-British hostilities commenced. To complicate matters further, both the United States and the newly formed United Nations opposed colonisation, and actively advocated de-colonisation. For the British in Malaya, time was up and independence was inevitable, but the British were on their own.

By acknowledging and accommodating this in negotiations with Malay representatives like Tunku Abdul Rahman, and the land-owning Sultans, the British not only gained favour with this significant group, it also deprived the Malayan Chinese communist guerrillas of their main source of inspiration-Malayan independence.

As a result ... *'the Malays firmly supported the government and enlisted heavily in the security forces...[as]... much anti-Chinese sentiment existed among them.*¹²⁸

The move towards independence came from a directive in London in February 1952 which directed that Malaya become both 'a fully self-governing nation and a united one.' Templer consequently emphasised both the development of the electoral process and enfranchising of both Chinese and Indian minority communities via a law passed in September 1952 which extended citizenship to 50-60 percent of these communities.¹²⁹

With half of the population already working in accordance with British and Malayan Government policy, and significant proportions of the other two major ethnic minorities also enfranchised, and thus with an incentive to work towards a peaceful transition to independence, the groundwork for an effective counter-insurgency operation was prepared.

The strategy

The strategy, known as the *Briggs Plan*, named after the British General Sir Harold Briggs, Director of Operations in Malaya, involved four phases:

1. dominate the populated areas with effective security
2. disrupt civilian support for the insurgents
3. isolate insurgents from food and information sources

¹²⁷ Tunku Abdul Rahman in Barber (1971), p. 234.

¹²⁸ Komer (1972), p. 13.

¹²⁹ Komer (1972), p. 65.

4. force the insurgents to attack Government forces on grounds or terms favourable to the security forces.

The implementation of this plan involved population control via a universal ID card system containing thumbprints and photographs; food controls via this ID card system and eventual food denial programs administered by the *Emergency Food Denial Organisation (EFDO)*. It involved the resettlement of half a million 'at risk' ethnic Chinese into 'New Villages', with dispensaries, schools, markets, fresh water and electricity, as well as allotment with full title to those who farmed their plots. The plan also involved curfews, road blocks, arrest on suspicion, and the involvement of police 'jungle patrols' including para-military activities such as patrolling and ambushing. The plan also involved banishment to mainland China via Hong Kong, until the Chinese communist government put a stop to this in 1949. This was all supported by a very effective information operations campaign involving Radio Malaya broadcasting daily in twelve languages or dialects, 'voice aircraft' flying low over the jungle broadcasting and dropping leaflets supported by 'voice trucks' capable of being heard up to six miles distant. The messaging was heavily influenced by intelligence provided by police Special Branch which advised on specific targeting.

Police special branch intelligence and psychological messaging

Reliable, accurate and timely human intelligence was a vital component in this campaign. The:

*respective intelligence functions of the military and 'the police Special Branch was given primary responsibility for intelligence on the insurgents. All military-generated raw intelligence such as captured documents, and any prisoners or defectors, were sent to Special Branch for exploitation.'*¹³⁰

From this intelligence, carefully directed messaging via 'voice aircraft', voice vehicles' and leaflet drops could be specifically targeted.

The success of the leaflets, promising rewards for information, surrender or capture, as well as 'safe-conduct' passes, combined with voice techniques can best be assessed by the fact that anyone found picking up a dropped leaflet faced instant execution by insurgent commanders¹³¹ and that, as Barber argues, not even the toughest insurgent commander could be sure his men weren't listening.¹³²

Isolation and food denial

Isolating the insurgents from their food, money and information sources was a very effective strategy because the insurgents could not sustain themselves in any numbers in the jungles without external food supplies. Food sales could not be made to anyone without an ID card, and strict

¹³⁰ Komer (1972), p. 43.

¹³¹ Komer (1972), p. 72.

¹³² Barber (1971), p. 189.

records were kept for inspection in food-restricted areas. Food stocks over a certain amount were confiscated and food rationing was implemented. This was supervised by the *Emergency Food Denial Organisation (EFDO)* created under the Ministry of Defence and Internal Security.

Population movement was controlled by curfews by military and police and operated on the assumption '*that anyone or anything moving after curfew was to be shot on sight*'.¹³³

Over time, this complex of food and resource controls together with food denial operations seem to have done a great deal to sap insurgent strength. It forced the guerrillas to expose themselves to patrols and ambushes, and eventually to surrender in increasing numbers under the pressure of hunger.¹³⁴

The importance of justice

The combined British-Malayan efforts in Malaya took twelve years and involved unified civilian control over military forces, and police-led intelligence operations, using extreme methodology and an effective Psychological Operation (psyops) campaign targeting the 'hearts and minds' of the population. The central role played by the police, particularly the Police Special Branch, stands out as an enduring feature of the way in which this potentially volatile situation was resolved relatively peacefully.

As British Maj. Gen. Richard Clutterbuck stated in *Guerrillas and Terrorists*

*The decisive element in doing all these things in Malaya was the police force; counter-insurgency is a matter of restoring law and order, and law and order is a matter for policemen with the training and the lawful means for the task...Security and intelligence were provided by the police, for whom the army was a support not a substitute.'*¹³⁵

As Komer indicates, the British reputation for fair-minded justice and impartial administration was of significant value to the counter-insurgency effort.¹³⁶ Barber further states '*the finest weapons against Communism is the let the world see that justice is being done*'.¹³⁷ This combined effort was so successful that by 1960 guerrilla strength and activity had declined to such an extent that in July the Emergency was declared officially over.

¹³³ Komer (1972), p. 58–60.

¹³⁴ Komer (1972), p. 61.

¹³⁵ Maj. Gen. Richard Clutterbuck in *Guerrillas and Terrorists* (1977), Faber, London quoted in Barber (1971), p. 177.

¹³⁶ Komer (1972), p. 34.

¹³⁷ Barber (1971), p. 75.

Contemporary concerns

There is no question that many of the operational tactics employed by the British and Malayan Government security forces in Malaya would stand in contravention of contemporary international human rights instruments. Nonetheless they were effective in securing a relatively peaceful transition from colony to self-government in a region which was engulfed in wide-spread and devastating violence undergoing similar transitions. It could be argued therefore that these stern methods adopted judiciously prevented more widespread violence and misery, which unfortunately occurred in other parts of the region in the 1960 and 1970s. The ultimate arbiter should be the people of Malaysia, which after independence in 1957 became a founding member of the *Association of South East Asian Nations (ASEAN)* when it was formed a decade later in 1967, and which later admitted those communist nations in Indo-China, Vietnam, Cambodia and Laos, as full members.

The way in which the British handled their departure from Malaya stands as a blueprint not just of effective counter-insurgency, but as a textbook example of how de-colonisation should have taken place elsewhere, by winning the hearts and minds of the people by maintaining fair and impartial justice. '*Law and justice in mercy*' were evident in Malaya and the security forces showed no '*fear, favour, affection or ill-will*' except when confronted with circumstances which warranted extraordinary actions in which case they showed no quarter. Independence did not bring a complete withdrawal of the British, many of whom remained as Malayan Government workers to usher in nationhood. This involved a significant effort in nation-building.

In the words of Tunku Abdul Rahman:

*During the last three years of the war, more roads were built, more jungle cleared, bridges and water systems constructed, schools and hospitals started, than had been done in the last three generations. We were not fighting the communist terrorist with arms alone. We went a long way to win the hearts and minds of our people. We gave the people more than the communists could ever hope to give.*¹³⁸

The implications for Australia from this period of turmoil in South East Asia were significant. The strategic waterways in the region are vital trade routes for Australia, and the instability which arose in the 1960s and 1970s drew Australian military forces into the region. The direct implications for Australian international policing arise because when inter-communal violence broke out on the Mediterranean island of Cyprus, a British request for Australian military forces was denied by the Australian Government and a contingent of Commonwealth Police was sent in its stead. This police peacekeeping legacy was inherited by the AFP upon its formation in 1979.

¹³⁸ Barber (1971), p. 247.

Chapter 2: The AFP in International Peacekeeping

Overview

The way in which the AFP was initially positioned as a contributor in international policing and diplomacy through peacekeeping deployments is discussed in this chapter. It will be demonstrated how the AFP has shown itself as capable and ready to respond effectively to extant and emerging challenges at the request of the Australian Government. The way in which, in 1964, the Commonwealth Police as it was then known, responded to the international community call to deal with the hostilities in Cyprus as a civilian police contribution to the United Nations Peacekeeping Force in Cyprus (UNFICYP) is examined. This mission provided the foundation upon which further AFP deployments in 1992 to Cambodia (UNTAC), in 1994 to Haiti, and Mozambique (ONUMOZ) were based.

Section 1: United Nations Force in Cyprus: Police – the ‘accidental peacekeeper’

Sometimes even in heavily ‘militarised’ environments, an effective civilian police presence can offer an alternative to an exclusively military solution, to what are often community-based problems. This is particularly important in situations where ingrained ethnic hatreds, a belief in the justification of their own belligerence and sheer stubbornness, combine to create highly volatile situations, where accidental or deliberate misunderstandings, can escalate quickly. The situation in Cyprus is one of those situations.

An involvement, spanning more than fifty years of international Australian policing, began in 1964 when police were deployed in lieu of Australian troops, due to more pressing regional priorities in the post-colonial era, when wars of ‘national liberation’, were conflated with aggressive and expansionist Cold War international communism in South East Asia. The strategic genesis of this lies almost a decade earlier in the 1950s, arising from what became known as the Suez Crisis, caused by the nationalisation of the Suez Canal by Egypt, and precipitous military action by Britain and France in conjunction with Israel, which failed and resulted in Egypt taking full control of the canal. The ability for Britain to maintain its military commitments in the Persian Gulf and South East Asia was diminished. The Suez Crisis also created a major rift between the foreign policies of Britain and its major ally, the United States and ultimately resulted in Britain’s ‘East of Suez’ policy in the 1970s, whereby British military forces east of the Suez Canal would be withdrawn.

As one of Australia’s security guarantors in the South East Asian region, this created a serious re-think of Australian foreign and defence policy in the region, which had taken a battering with the fall of Singapore to Imperial Japanese Forces in February 1942 and Indian independence in 1947.

The nascent nationalist, post-colonial independence movements, often conflated with expansionist communist aggression in Indo-China and South East Asia, resulted in Australian military forces becoming involved in conflict alongside British military forces in Malaya and North Borneo in the 1960s, resulting in the creation of the sovereign nation of Malaysia, and later Singapore, and later alongside United States military forces in Indo-China, specifically Vietnam. This re-focussed Australia in its interaction with the South East Asian region, as it sought trading partners to replace Britain as a destination for Australian agricultural and mineral exports, as stated by Kwan:

*As Britain gained entry to the European Economic Community and withdrew from most of its defence commitments east of Suez, trade, investment and defence ties with the United States and Japan became more important to Australia. Its citizens found their traditional easy access to Britain increasingly difficult after restrictive British laws in 1962 and 1968.*¹³⁹

Britain's courtship of the European Common Market, later the European Union, caused a re-prioritisation of Australian trade efforts into East Asia and South East Asia. Japan became a major trading partner in lieu of Britain, however, this was potentially compromised by communist threats to the sea lanes north and south, between Australia and Japan, and west to east from the Straits of Malacca to Japan, threatening Japan's oil supply from the Middle East. This required military involvement by Australia in support of U.S. support for Japan. As a result, when asked for a military contribution to Cyprus in 1964, the Australian Government was unwilling to provide it, citing regional priorities as outlined by Sue Thompson from ASPI:

*at Britain's request, the UN Security Council took a look at the situation in Cyprus, which had steadily deteriorated since the outbreak of violence between Greek and Turkish Cypriots in December 1963. After the UN Secretary General had failed to reach an agreement with the parties, and following Turkish naval manoeuvres off the Cypriot coast, the Security Council adopted on 4 March a resolution authorising the Secretary General to create, with the consent of the Government of Cyprus, a peacekeeping force for the island. Australia chose not to contribute soldiers to the peacekeeping force, despite British attempts to convince Canberra otherwise. Australia's position was that, because of other commitments and the onset of the Confrontation between Malaysia and Indonesia just as America increased its involvement in Vietnam, Australia would be unable to consider a contribution to Cyprus.*¹⁴⁰

The situation on Cyprus was, and remains, classic peacekeeping. There is a ceasefire, and thus a 'peace to keep'; there are two identifiable belligerents, who choose to use conventional military forces, and there is a combination of ethnic and religious tensions, as well as a territorial dispute. Unlike many other missions in which the AFP eventually became involved, the nature of the dispute is between governments, which ironically are both members of a larger alliance, the North

¹³⁹ Kwan, E. (2006), p.154

¹⁴⁰ Thompson, S. (2014). *Fifty years of Australian civilian police involvement in international peacekeeping*. Australian Strategic Policy Institute, Canberra.

Atlantic Treaty Organisation (NATO). It was, and remains a ‘wicked problem’, but one which involved community sentiments as much as military actors.

In the case of Australian involvement in Indo-China and South East Asia, one lesson learned from this regional military involvement, in places such as Malaya and Vietnam, is that most post 1945 conflict is ‘intra-state’ rather than ‘inter-state’. The worlds militaries are still structured for inter-state conflict thus an exclusively military solution to these conflicts is rarely achievable and very expensive. Militaries are geared to win wars rather than keep the peace. They are not generally structured, equipped or trained to deal with community issues as they are *peace-makers* rather than *peace-keepers*.

It is better to build upon an existing diplomatic relationship including a healthy proactive and pre-conflict ‘police’ relationship or, in the absence of such a relationship, to have the ability to restore ‘*peace, order and good governance*’, by an effective transition process in a ‘post-conflict’ environment. A comparison between the *Malayan Emergency* ¹⁴¹ and the *Vietnam War* illustrates this especially in relation to what was coined as winning ‘*hearts and minds*’, and the involvement, or lack of involvement of police, and civilian leadership.

It is worth noting however, that neither the tactics used by the British in Malaya, via police Special Branch, nor the Americans in Vietnam by maximum use of military force, would pass contemporary human rights muster, due to the involvement of ‘civilians’ both as non-state belligerents and as victims of conflict. Australian military involvement in the Vietnam War was controversial and its ignominious end, involving acrimonious domestic political implications, heralded the start of what some Australian military commentators have coined ‘*The Great Peace*’. It was during this ‘*Great Peace*’ between the end of Australian military involvement in Vietnam in 1972, and the entry of the Australian military in East Timor with INTERFET, in 1999, that the AFP continued a ‘firm’ international presence, including with UNFICYP in Cyprus.

The United Nations Force in Cyprus 1964–2017

Australian police became involved in contemporary UNCIVPOL duties in Cyprus in 1964, when a number of state and Territory police, and later Commonwealth Police (one of the founding forces which made up the AFP), were asked to form part of the United Nations Force in Cyprus, UNFICYP. The inter-communal violence between Greek and Turkish Cypriots, which broke out in late 1963, following independence from Britain in 1960, in the wake of the Suez Crisis, caused the mainland nations of Greece and Turkey to both become involved in the situation. The UN became involved during the inter-communal violence, and UNFICYP was established in 1964 to ‘*prevent a recurrence of the fighting, help maintain law and order, and promote a return to*

¹⁴¹ Please see Barber, N. (1971) *The War of the Running Dogs: How Malaya defeated the Communist Guerrillas, 1948-60*, Collins, London.

normal conditions'. This is a classic peace-making, peace-building and peace-keeping approach. As Chappell and Evans point out, the involvement of a Civilian Police component derives its origins from an earlier mission (ONUC) in the Congo. One of its former military commanders, Brigadier Sean McEown, the Chief of the Irish Army, considered police to be a better alternative to the UN military to encourage meaningful negotiation and liaison between the communities and their representative police agencies. In this regard '*...the role and function of CIVPOL must be seen as part of a continuum from preventative diplomacy to post conflict peacebuilding. That continuum may be divided into three stages, beginning with CIVPOL's participation in conflict resolution through helping to build confidence between former combatants.*'¹⁴²

This can often be a lengthy process. A coup d'état in Cyprus in July 1974 by Greek and Greek Cypriot elements, favouring 'enosis' (unification) with mainland Greece, caused consternation in mainland Turkey. The Turks then 'intervened' militarily from the north and pushed the retreating Greeks and Greek Cypriots back towards the south. The UN Security Council immediately called for a cease-fire, and a conference was arranged between Greece, Turkey and the United Kingdom, the erstwhile colonial power, in Geneva in August 1974.

These talks subsequently broke down, and the Turkish forces pressed on with their 'intervention'. They eventually ceased their southward thrust on 16 August 1974, having gained ground to the middle of the capital Nicosia, and to the northern outskirts of Nicosia International airport, which also happened to be a Royal Air Force base. Anecdotal information suggests that the British commander alerted the Turkish commander to the existence of the RAF base and of two British Sovereign bases on the south coast, a Royal Navy Base at Akrotiri, and a Royal Air Force Base at Dhekalia. In addition, the proximity and readiness of the British Army in Germany, a mere four hours away, may well have also been a highly persuasive factor in the decision by the Turkish military to halt its advance.

The cease-fire lines were drawn in August 1974 to form the northern and southern perimeters of what became the United Nations Buffer Zone (UNBZ), which runs east-west along almost their entire length of the island. The UNBZ is still in existence, and divides the Turkish held northern third from the Greek Cypriot held southern two thirds. The UNBZ passes through the middle of Nicosia where in parts it is a mere two metres wide. On the northern, or Turkish side of the cease-fire lines, there are troops dug in fortifications, fully armed and ready to mobilise at a moment's notice. After many years of very limited and restricted connectivity between the Turkish Cypriot north and the Greek Cypriot south, there are now a number of crossing points between the north and the south, including in Nicosia itself.

¹⁴² Chappell and Evans (1997), Chapter 1.



Figure 1. Map of Cyprus

Source: cyprusmap.fact.co

There are fortifications on the southern or Greek side; however they are rarely fully manned. Basically, both sides merely agreed to apply their safety catches and take their fingers off their triggers, but all else remain as it was in 1974. The areas between the two cease-fire lines is patrolled by the United Nations, both military and police (UNCIVPOL), who for all intents and purposes are the actual civilian authority in the UNBZ. UN Civilian Police in Cyprus are unarmed, a deliberate policy to encourage community engagement, and a feature which was to have resonance in a later mission in East Timor in 1999. The UN Civilian Police, however, are unable to enforce the law as they would in a domestic sense, primarily because of a reluctance to charge offenders criminally to appear before a court in either the north or the south of the island.

With the inter-communal violence and the Turkish 'intervention' in 1974, a major refugee problem ensued, with in excess of 200,000 people requiring assistance as a result of dislocation. Members from each community were permitted under UNCIVPOL supervision and escort, to cross the UNBZ to be re-united with their families. In February 1975 the Turkish Cypriot leadership unilaterally announced the formation of the 'Turkish Federated State of Cyprus' which

was renamed by the same authorities in November 1983 as the ‘Turkish Republic of Northern Cyprus’.

The UN has never recognised Turkish sovereignty in this northern part of Cyprus, however the reality is that the Turkish military is well entrenched there. In pragmatic terms, the Turks believe they have a right to the entire island, due primarily to geographic proximity, a notion which conflicts with the Greek claim of sovereignty, which amongst other things includes the assertion that the Ancient Greek goddess Aphrodite was born on the island of Cyprus.

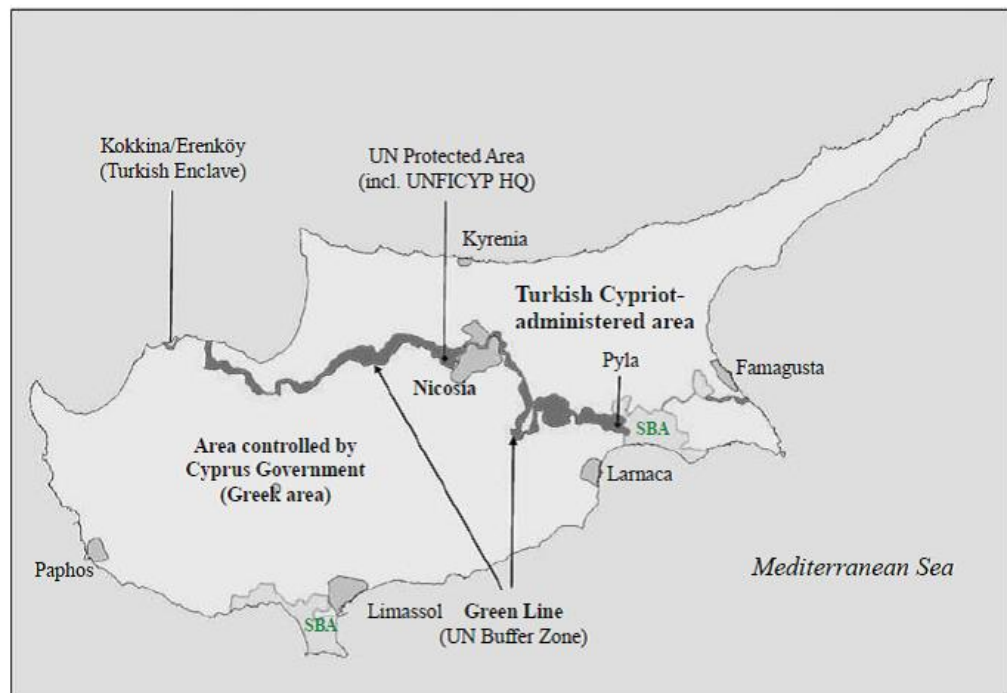


Figure 1. Map of Cyprus Showing the Green Line between the Two Parties.
Note: SBA is a Sovereign Base Area of the United Kingdom.

Figure 2. Map of Cyprus showing UNBZ and British sovereign bases

Source: walterdorn.net

The British have two sovereign bases in the southern part of the island, negotiated with the Cypriots, before partition, when Britain ceded independence in 1960. These bases, one Royal Air Force (Dhekalia) base and one Royal Navy base (Akrotiri), form an integral part of British strategy in the Mediterranean along with similar installations in Malta and Gibraltar. From this combination of bases, the British can respond to issues arising in the Mediterranean, Middle East, Suez Canal, a vital sea lane for fuel supplies to Europe and the Black Sea, the egress point for Russia into the Mediterranean. The United States has bases within mainland Turkey itself, which form a forward ‘foothold’ for any intelligence or military activity involving the former USSR and the more hostile nations within the Middle Eastern region.

This has created a situation whereby neither the U.S. nor the UK has been inclined to apply military force, or the threat of such, to force Turkey off the island of Cyprus. This situation is complicated further by the fact that both Greece and Turkey are members of NATO. Greece and Cyprus are both members of the European Union (EU) and Turkey is actively seeking membership of the EU. Cyprus therefore remains a stalemate whilst each of the parties remains intractable.

When Turkey ‘intervened’ in 1974, many Cypriots from both communities left Cyprus and sought more tranquil lives elsewhere, including Australia. Both communities formed lobby groups, which had influence in both major political parties. The Cyprus issue thus became loosely linked with Australian domestic politics and whenever the withdrawal of Australian police was raised, the Greek Cypriot lobby group would oppose it and the matter would drop from the agenda. This changed however, in 2007 with the election of the Rudd/Gillard/Rudd Government, and the Abbott/Turnbull Government in 2013 which put financial pressure on the AFP which consequently sought to cease its contribution to UNFICYP, and which subsequently withdrew in mid-2017 after 53 years of continuous service.

The AFP was in Cyprus for over fifty years and had built up a level of trust amongst members of both communities. Australian police have traditionally been seen as ‘honest brokers’ in this difficult situation as Australia, unlike the former colonial power, Britain, has no agenda in relation to the future of Cyprus. This had many positive by-products, not the least of which was the willingness of members of both communities to approach unarmed Australian police to provide information they would often be unwilling to provide to members of other UN contingents.

Cypriots from both communities who have lived outside Cyprus and have returned, are far less intractable than those who have remained on the island. It is an enduring contact between these people and trusted UN members which assists in diffusing potentially volatile situations, and which may eventually break down the intractability that persists on both sides of the UNBZ. Noteworthy is the open invitation made by the Cypriot community of Darwin, to the Federal and Northern Territory governments, for the use of their club facilities in Darwin to assist in the post-evacuation procedure for the refugees from East Timor in September 1999 following an outbreak of violence following a UN sponsored ballot.

The AFP was also heavily invested in that mission, and much of the posture adopted by the AFP in East Timor in 1999 was informed by experiences in Cyprus, and elsewhere, including Bougainville, Mozambique, Haiti and Cambodia. When it deployed to Cyprus in 1964, the Commonwealth Police (later the AFP) was amongst one of the first civilian police forces to deploy into a disrupted state. As such, it set a precedent for a number of other UN missions, including some which involved the AFP. This was a major shift in thinking away from military dominance of this sort of intervention, towards a more civilianised approach, involving civilian

police as well as military forces. This has taken some time to be recognised by military forces, including in Australia, however it was recognised early by the British military, or at least by one of its more senior and experienced officers. As a former senior member of the AFP, Adrian Whiddett wrote of a former British Chief of Staff to UNFICYP, Brigadier Michael Harbottle:

*the decision to raise a small multinational civilian police component to form part of the UN Peace-keeping Force in Cyprus (UNFICYP) was a novel and experimental departure from usual practice, acknowledging that, as useful as the military are, they are limited in dealing with a usually resentful citizenry. Harbottle, a former Brigadier and Chief of Staff of UNFICYP from June 1966 to August 1968, came to realise that the insinuation of impartial civilian police into what now is a largely civil situation was indeed one of the 'unqualified successes' of the UN action in Cyprus.*¹⁴³

The UN is still there, patrolling the UN Buffer Zone which separates the two communities. Turkish soldiers are still dug in on the northern perimeter of the Buffer Zone. Britain still maintains its sovereign bases. The AFP after 53 years patrolling the UN Buffer Zone, engaging with the communities on both sides and conducting humanitarian patrols lowered the Australian National Flag in Nicosia and concluded its involvement in UNFICYP, but the experience-based lessons formed the basis for future 'boots on the ground' missions for half a century.

¹⁴³ Harbottle, M. (1970) *The Impartial Soldier*, London Oxford University Press, p. 176 cited by Whiddett, A. in Maley, W, Sampford, C. and Thakur, R.(eds) (2003). *From Civil Strife to Civil Society: Civil and Military Responsibilities in Disrupted States* Tokyo: United Nations University Press, Tokyo, pp. 332–333.

Section 2: United Nations – Cambodia



Figure 3. Map of Cambodia

Source: lib.utexas.edu

Closer to home, the involvement of Australians in the post Pol Pot era in Cambodia, under the leadership of the United Nations, known as the United Nations Transitional Authority Cambodia (UNTAC), had some Australian domestic political implications, due to the intimate involvement of the then Australian Foreign Minister, Gareth Evans, and the leadership of UNTAC by the Australian military commander, General John Sanderson. UNTAC involved a combination of Australian government elements, including the Australian Defence Force and two contingents of the AFP. It was a largely successful transition, from the turmoil and trauma of Pol Pot, to what is now a peaceful, if not fully-democratic country, and was a feather in the caps of both Gareth Evans and General Sanderson.

U.S. bombing and the Khmer Rouge

The genesis of the situation in Cambodia, lay in the conflation of its French post-colonial past and its proximity to Vietnam, which during the 1960s and 1970s, became engaged in a war with the United States, as part of the Cold War. Cambodia had been plunged into the U.S. war in Indo-China in 1969 when US President Nixon began a secret bombing campaign, codenamed Operation Menu, to attempt to destroy a Vietnamese communist headquarters, which the U.S. claimed had been operating inside Cambodia along the border with Vietnam since 1964, in violation of Cambodian neutrality. The North Vietnamese were operating with the approval of Cambodia's leader Prince Norodom Sihanouk. Sihanouk tied to maintain neutrality however, *[in] return for a North Vietnamese pledge to respect Cambodia's frontiers, he allowed Vietnamese communists to operate covertly from bases inside eastern Cambodia.*¹⁴⁴

Over 200 nights, between March 1969 and May 1970, American B-52 bombers dropped more than 500,000 tonnes of explosives on Cambodia's countryside. The pilots flew at such great heights they were incapable of discriminating between a Cambodian village and their targets, North Vietnamese supply lines – nicknamed the 'Ho Chi Minh trail', which ran inside Cambodian territory down the Vietnam border, to supply Viet Cong fighters guerrillas conducting a guerrilla campaign in the southern Republic of Vietnam.

Up to 500,000 Cambodians were killed, many of them children. The bombings drove hundreds of thousands of ordinary Cambodians into the arms of the Khmer Rouge, an ultra-Marxist organisation, led by Pol Pot, which seized power in 1975, and over the next four years, presided over the deaths of millions of people through starvation, disease and executions. The Cambodian Monarch, Prince Sihanouk, had courted both Moscow and China in an anti-U.S. stance. Despite courting both Beijing and Moscow he was ousted by his former Deputy Prime Minister, General

¹⁴⁴ <https://www.britannica.com/biography/Norodom-Sihanouk>. For a detailed explanation of this bombing campaign please see *Sideshow: Kissinger, Nixon, and the Destruction of Cambodia*, Shawcross, W. Simon and Schuster, 1978.

Lon Nol, who took control of the Government. Between 1970 and 1975, Lon Nol and his army, the Forces Armées Nationales Khmer (FANK), with U.S. support and military aid, battled the Khmer Rouge communists for control of Cambodia. Lon Nol was later persuaded to leave Cambodia.

In 1973, the U.S. Congress succeeded in forcing a halt to the bombing of Cambodia, which left FANK without ground or air support. FANK held against the Khmer Rouge until 1975, when the Khmer Rouge took control of Phnom Penh, following daily rocket attacks, which created an estimated two million refugees. Once in control, the Khmer Rouge forced the bulk of the population into the rural areas, and forced them to work for their plan to re-mould Cambodia into a communist rural utopia. They succeeded in killing in excess of one million people by starvation, malnutrition, torture and execution over a four year period.

Vietnam invades Cambodia 1978

Across the border in what was the former Republic of Vietnam (South Vietnam), in April 1975, the capital city of Saigon, fell and the communist Republic of Vietnam was declared. The Khmer Rouge and Vietnamese forces almost immediately became engaged in conflict over a disputed border, as well as Cold War competition for hegemony between China and the Soviet Union. The Khmer Rouge was backed by China, and Vietnam had moved closer to the Soviet Union ¹⁴⁵. This fighting intensified in 1976 and 1977, but by that time, Australian troops had left South Vietnam. ¹⁴⁶

In December 1978, a Kampuchean National Salvation Front was established with Vietnamese sponsorship, and, three weeks later, a Vietnamese force, along with some dissident Cambodian allies, invaded the country. These pro-Vietnam forces occupied Phnom on 7 January 1979 causing the remnants of the Khmer Rouge regime flee to sanctuary across the border in Thailand. This was the end of the Khmer Rouge as a government. Large numbers of non-aligned Cambodians also fled to the border camps clustered around the Thai town of Aranyaprathet. This had a significant impact on the newly created Association of South East Asian Nations (ASEAN), particularly Thailand, whose proximity to Cambodia via a shared border, made it a 'frontline state' in the Cold War, which was still a very real concern in the region. The Vietnamese invasion of Cambodia was also seen by ASEAN as a violation of the principle of territorial sovereignty. The Cambodian refugees found themselves pawns in a geopolitical struggle which pitted Thailand

¹⁴⁵ Frost, F. (2016). *Engaging the Neighbours. Australia and ASEAN since 1974*. ANU Press, p. 56.

¹⁴⁶ Australian troops commenced their withdrawal from South Vietnam in December 1969, under the Prime Ministership of Sir John Gorton, following the withdrawal of 25,000 U.S. troops and a plan to withdraw a further 50,000 U.S. troops. Australia's military commitment to South Vietnam ended in December 1972.

and other ASEAN states, backed by the U.S. against communist Vietnam, which was developing a closer relationship with Soviet Union.¹⁴⁷

For over a decade from 1979, the conflict over Cambodia became the dominant political and security problem in South East Asia. Within Cambodia, the Vietnamese-sponsored regime, the People's Republic of Kampuchea (PRK), whose dominant leader was Hun Sen, attempted to promote economic reconstruction and its own political consolidation. Vietnam and the PRK regime faced armed opposition from three Cambodian resistance movements, operating on and near the Thai border: the ousted Khmer Rouge (referred to widely as the 'Pol Pot regime' after its leading figure); the royalist FUNCINPEC (the National United Front for an Independent, Neutral, Peaceful and Cooperative Cambodia) led by Prince Norodom Sihanouk; and the republican KPNLF (Khmer People's National Liberation Front) led by Son Sann.

Vietnam and the PRK also faced opposition from ASEAN, which refused to accept the PRK regime's legitimacy, and worked to deny acceptance of the regime internationally, and to mobilise support for Vietnam's withdrawal. A key avenue for ASEAN's diplomacy was sponsorship of a resolution in the UN General Assembly calling for an immediate ceasefire and the withdrawal of Vietnam's forces. The first such resolution was adopted on 14 November 1979, and ASEAN continued to gain large majorities in support of similar resolutions for the next decade.

This created a significant dilemma for Australian foreign policy. Loathsome as it was, the Khmer Rouge was seen as the internationally recognised government of Cambodia and Vietnam as an 'invader'. Responding to domestic concerns in relation to the excesses of the Khmer Rouge, the then Fraser government, via its Foreign Minister Andrew Peacock, announced on 14 October 1980 *'that Australia had decided on a policy of 'de-recognition'; he stated that 'Australia cannot prolong its recognition of such a loathsome regime as that of Pol Pot'*.¹⁴⁸

This resulted in de facto recognition of the Vietnamese 'invaders' by Australia, which created a divergence of views between Australia and its ASEAN allies in South East Asia, which had as its central pillar, non-interference in the affairs of other nations, under the ASEAN doctrine of the Zone of Peace, Freedom and Neutrality (ZOPFAN). The unfortunate outcome was that ASEAN was providing de facto support to a genocidal regime under the Khmer Rouge in Cambodia, a situation by which an increasingly human rights aware Australian public could not abide.

¹⁴⁷ The communist victory in Vietnam saw many former members of the South Vietnamese government and armed forces sent to 're-education camps', where they were held for up to a decade. At the geo-political level China denounced Vietnam's invasion, and in February-March 1979, launched a limited invasion of northern Vietnam which failed to dissuade Vietnam from continuing its presence in Cambodia, but which caused substantial economic and social dislocation in Vietnam (Frost 2016, p. 56).

¹⁴⁸ Frost, F. (2016), p. 68.

The Australian Government's change of policy on recognition had responded to domestic opinion but produced some critical reactions from ASEAN, and from China and the US, especially after the May 1981 announcement on recognition policy at international forums. In late May, the policy change was criticised by Singapore's Deputy Prime Minister Sinnatamby Rajaratnam, as one that *'will certainly damage the foreign-policy interests of Australia, seriously question its credentials as a reliable ally of those who have taken up the Soviet challenge in South-East Asia and bring comfort to the Vietnamese'*¹⁴⁹

At the time of the ASEAN foreign minister's meeting in June 1981 in Manila, the Philippines foreign minister described Australia as being 'recalcitrant' on the issue, and reservations were also reported to have been expressed by U.S. and Chinese officials. The Australian conservative government of Malcolm Fraser had been replaced in 1983, by the ALP, under Prime Minister Bob Hawke, which in Opposition, had welcomed the Fraser Government's withdrawal of diplomatic recognition of the Khmer Rouge Democratic Kampuchea. In Government, Prime Minister Hawke and Foreign Minister Hayden decided to explore some options to resolve the Cambodian situation. Prime Minister Hawke wrote in his memoir:

*[O]ne of the most important initiatives of my entire prime ministership was our diplomatic effort to help bring about a lasting peace in the tragic, conflict-ridden country of Cambodia...Both Hayden and I were acutely aware of the obstacles ahead. ASEAN had arisen from the instability in Indo-China and the intrusion of the Soviet Union and China into the affairs of the region; its members remained suspicious of Vietnam and the two communist giants. The antagonism between China and Vietnam stretched back a thousand years. Cambodia itself remained sunk in conflict, with an uneasy alliance of forces arranged against the puppet Hun Sen regime. Our knowledge of and closeness to the regional players had its advantages, but understanding the range of their conflicting interests meant that Australia's diplomacy would have to be deft in the extreme.*¹⁵⁰

Hayden, as Foreign Minister from March 1983-August 1988, observed:

*[t]he aim was to facilitate a process of dialogue leading to a peaceful settlement of the warring inside and near the borders of Kampuchea. I regarded the proposal with some caution. There were a great number of differences between many of these parties and some had large political interests at stake. Australia strolling into this particular pastry shop and upsetting the wares so carefully if unsteadily arranged could well be disastrous.*¹⁵¹

On the ground, there was a new form of stalemate. ASEAN had the strength and unity to stand behind Thailand and the Cambodian coalition in their resistance to Vietnam; while on the other hand, Vietnam took comfort from the fact that the situation on the ground in Cambodia was largely in its favour despite resistance to its occupation, especially in the border areas.

¹⁴⁹ Frost, F. (2016), p. 61.

¹⁵⁰ Hawke, R. quoted in Frost, F. (2016), p. 69.

¹⁵¹ Haydon, W. quoted in Frost, F. (2016), p. 380.

The Australian approach sought a comprehensive solution based on Vietnamese acceptance of a phased troop withdrawal, and an arrangement to facilitate the return of displaced Cambodians which prevented the return of the Khmer Rouge, as well as an act of self-determination in Cambodia itself, all predicated on the universal acceptance that *Cambodia should be neutral, independent and non-aligned; and the restoration of normal relations on the part of Vietnam with China, ASEAN and the West.*¹⁵²

By 1988, after five years of diplomatic activity, the efforts to promote dialogue over Cambodia, had raised Australia's profile as a concerned regional participant, but had produced little result, as the major power blocs maintained their intransigence: the Soviets backing Vietnam, the Chinese backing the Khmer Rouge and the U.S. backing ASEAN. Australia was politically isolated, as it had de-recognised the Khmer Rouge, was neutral on Vietnam and was an active supporter of ASEAN. Frost points out that this isolation *stood it in good stead when putting forward its peace initiative in 1989, since the country was clearly not aligned to any of the major powers in their client Cambodian factions.*¹⁵³

In strategic geo-political terms, the stalemate was broken only when European communism collapsed in 1991. The end of the Cold War in Europe, following a ten year Soviet occupation and humiliating withdrawal from Afghanistan in 1989, and the fall of the Berlin Wall in the same year, brought about some profound changes globally, regionally and domestically in Australia and its region. A key catalyst internationally was the impact of President Mikhail Gorbachev's policies in the Soviet Union. Gorbachev's speech in Vladivostok in July 1986 introduced a new era of flexibility in foreign relations as the Soviet Union sought to curtail costly foreign involvements. This included the withdrawal of support provided by the Soviet Union to countries such as Vietnam.

This provided the catalyst for some more assertive action by ASEAN to resolve a long-standing regional issue. In July 1988, further negotiations occurred when ASEAN's largest member, Indonesia, hosted formal multilateral talks among the Cambodian parties, along with the other ASEAN members and Vietnam and Laos.

*In July 1989...the Paris International Conference on Cambodia...met for one month and was attended by the four Cambodian factions, the six ASEAN members, the 'Permanent Five' members of the UN Security Council (China, France, the Soviet Union, the United Kingdom and the United States), Vietnam, Laos, Australia, Canada, India, Zimbabwe (representing the Non-Aligned Movement) and a representative of the UN Secretary-General.*¹⁵⁴

¹⁵² Frost, F. (2016), pp. 70–71.

¹⁵³ Frost, F. (2016), p. 72.

¹⁵⁴ Frost, F. (2016), p. 73.

Contemporaneously, the surrounding nations in the region including Thailand, Malaysia, Singapore and even China were in the midst of an economic boom. This gave added incentive for Cambodians to solve their differences.

The global strategic situation was also changing. The dissolving Soviet Union and Warsaw Pact ended aid, to both their long-standing ally Vietnam, and the PRK, while Thailand and other members of ASEAN concluded that Indo-China was more lucrative as a market-place than as a battle-field. Several attempts were made to negotiate a peace settlement for Cambodia in the 1980s; the most successful were meetings in Jakarta brokered by India and Indonesia.

Called the Jakarta Informal Meetings, (JIMs) they were attended by all four factions, Laos, Vietnam and the ASEAN member states. This was followed by a Sino-Soviet meeting in 1988 which resulted in a thaw in relations between Vietnam and China. Further talks involving Thailand in 1989 produced a key breakthrough in the shape of Vietnam's offer to withdraw its troops...and agreement to an international peace-monitoring force.

Vietnam, facing a decline in economic and military assistance from the Soviet Union and anxious to extricate itself from Cambodia, announced its withdrawal of combat forces from Cambodia, and in September 1989 declared this process completed. Building on initial suggestions by Prince Sihanouk and U.S. Congressman Stephen Solarz, Australia suggested an enhanced role for the UN in the transitional process which had been initially proposed in November 1989. To avoid:

*the power-sharing issue that had confounded the Paris conference, and to constrain the role of the Khmer Rouge, Australia proposed that the UN be directly involved in the civil administration of Cambodia during the transitional period. A UN military presence to monitor the ceasefire, cessation of external military assistance, a UN role in organising and conducting election, and UN involvement in the transitional administrative arrangements would, it was hoped, ensure a neutral political environment conducive to free and fair general elections.*¹⁵⁵

A departmental task force, under the direction of Evans, drew up a detailed set of scenarios and plans for a UN role in Cambodia, and these papers were presented to a meeting of the ASEAN members, the Cambodian parties, Vietnam and Laos in February 1990. These were then published and became known-because of the colour of the cover-the 'Red Book'. The issue of Cambodia was a substantial instance where Australia and ASEAN cooperated on a major issue of security and regional concern and achieved a significant outcome.

United Nations Transitional Authority (UNTAC) Cambodia 1992–1993

The Australian Foreign Minister Senator Gareth Evans engaged in a re-formulation of a concept originally proposed by Prince Sihanouk and enunciated by US Congressman Stephen Solarz. The

¹⁵⁵ Frost, F. (2016), p. 75.

‘proposal envisaged that, instead of a quadripartite power-sharing arrangement, the UN itself would temporarily take over the administration of Cambodia, disarm and demobilise the armed forces of the various parties and conduct the election, after which it would transfer power to a new Cambodian government. This was to become the UN Transitional Authority Cambodia (UNTAC).

Overshadowing the entire peace process was the question of the atrocities committed by the Khmer Rouge. The term ‘*auto genocide*’ was diluted to the un-recognisable ‘*no-return to the policies and practices of the past*’. The compromise to restore peace to Cambodia was the withdrawal of the charges of mass murder, as no provision would be made for war crimes trials or other means of achieving justice. In 1991, the Paris Peace Accords were formally adopted by the UN in New York.

AFP in Cambodia

Thus, the United Nations Transitional Authority in Cambodia, UNTAC, was created by accord and in May 1992, 10 members of the Australian Federal Police were dispatched to Cambodia. They were stationed at Thmar Puok, and had a patrol area of 2500 square kilometres which was home to approximately 78000 Cambodians in a state of post-conflict shock. The infrastructure was poor and the police along with their international counterparts had to construct many of their own places of accommodation and work from available materials.

The overall role of the contingent was to assist the UN in bringing peace and democratic elections, which they implemented by supervising training and controlling local police and investigating allegations of human rights abuse which were reported to the UN command. This created a more stable environment in which elections could be held. Part of their role was to-assist in bringing an environment of calm and confidence conducive to the holding of free elections

A second AFP contingent replaced the first in early 1993. During the deployments of both contingents more than 200 suspected human rights violations were investigated and over 400 local police were trained. These local Khmer police came from all political factions. Khmer police instructors went on to maintain a Khmer police training programme. The command and control of UNCIVPOL in UNTAC was under a system where police were deployed to districts where the contingent commander was also tasked as the police district commander for the area of operations. Police in this situation acted in concert with the military force in the district but were independently controlled. The mechanism for this was via a Memorandum of Understanding on Police/Military co-operation, which formalised a clear de-lineation of responsibilities to prevent duplication of effort and resource allocation.

Australian police were fortunate to have Australian commanders in both contingents. Working in conjunction with Australian UNCIVPOL, were five German and five Tunisian police with six Indian and five French police in nearby locations. A situation where Australian police were being led by Australian police commanders, created an environment conducive to success through initiative and co-operation. Anecdotal information from AFP participants from both Cambodian contingents highlights the positive aspect of Australian police being led by commanders from Australia.¹⁵⁶ The contingents were very small but very effective because they were under Australian command, they were empowered to take the initiative to do the *right thing* and most importantly they knew what the *right thing* was.

A former senior AFP member, Adrian Whiddett states of the good work the AFP did in Cambodia that *its successes were laudable and quite disproportionate to its size*¹⁵⁷. However the most appropriate praise comes from the overall military Commander of UNTAC, Australian General John Sanderson who stated:

*[T]he very small AFP contingent did a remarkable job in Cambodia. Its members numbered 10 out of a total civil police force of 36000. If there had been 360 groups of that potency, I think we would have had a much more significant impact on the outcomes in Cambodia because the law is the key issue in this. While we were not the sovereign authority in Cambodia, the process of taking the law down to the grassroots and getting it implemented there was the key process and the AFP contingent did that....[T]he contingent actually wrote the body of law, established the school and the police station and supervised the activity.*¹⁵⁸

It was experience on the ground by members in places such as Cambodia and other missions which built up a corporate knowledge of how such deployments should be planned, equipped, staffed and deployed. This was to play an extremely important role in the near future in equally challenging circumstances in East Timor in 1999.

Section 3: Other AFP Missions 1989–2003

A credible international police peacekeeping experience by the AFP in Cyprus and Cambodia provided a basis for further deployments, particularly in a United Nations context. The transition from ‘post-colonial civil conflict’ to self-determination, as illustrated in the previous chapter is seldom a peaceful process and in the context of Cold War dynamics and the post-Cold War ‘peace dividend’, these transitions were very complex. Two examples involving firstly the former

¹⁵⁶ It is now UN policy that all civilian police detachments will be multinational. No national detachments with designated sectors will be employed in future. Apparently this is an attempt to balance the quality of the available civilian police officers. See McFarlane and Maley *United Nations Peacekeeping Operations: Ad Hoc Missions, Permanent Engagement* Ramesh Thakur and Albrecht Schnabel (eds). United Nations University Press, New York 2001.

¹⁵⁷ Whiddett cited in Maley Sampford, C and Thakur, R *Civil Strife to Civil Society* p. 333.

¹⁵⁸ Sanderson in Thakur, R. and Maley, W. (2015). *Theorising the Responsibility to Protect*. Cambridge: Cambridge University Press p. 334.

Portuguese colony of Mozambique on the South East coast of Africa and secondly the Caribbean island of Haiti, a former French colony, provide illustrations of the sort of challenges such post-conflict transitions can pose. In the former, Mozambique a number of AFP deployed with United Nations to a mission known as ONUMOZ. In the latter, Haiti, a number of AFP were deployed with a United States-led intervention known as 'Operation Restore Hope'.

One feature of both of these missions is that they were distant from Australia and thus relatively free from Australian domestic political considerations. One was a United Nations led mission and the other was a United States led mission. Both missions fulfilled Australian international obligations, especially with the UN during the 'Great Peace'.

In addition, the AFP deployed small numbers to three other locations: The Thai-Cambodian border in between 1989 and 1993; Somalia in 1993 and Bougainville between 1997 and 2003. In all of these deployments, AFP members brought with them a strong sense of trust-based values and principles which were applied in societies where such trust had broken down. Although small in number the impact was generally positive. The situation in Somalia was highly contested and non-permissive, reinforcing the precept that such trust based approaches can really only be effective if the environment is permissive and there is a peace to keep. This is a 'lesson not learned', in 2008 when the AFP was asked to contribute to police training in a highly contested environment in southern Afghanistan, where there was no peace to keep.

United Nations Border Relief Organisation (UNBRO) 1989

As a result of the post-conflict turmoil created by the war in Indo-China, and the devastation visited on the long-suffering people of Cambodia, there was a mass exodus of approximately 300,000 displaced persons and refugees fleeing westward to the border area with Thailand. The United Nations established the United Nations Border Relief Organisation (UNBRO) in 1989. Shortly after UNBRO was established, two AFP Superintendents deployed to Aranyaprathet in North East Thailand.

Their mission was to assist UNBRO and the Government of Thailand to improve security and protection within the camps located along the border between Cambodia and Thailand. These camps were subject to hostile action including guerrilla attacks and artillery fire, further eroding peace, law and order. During the period the AFP Superintendents were working with UNBRO they encountered a high level of lawlessness inside the refugee camps, a tendency which they assisted in alleviating.

The AFP members assisted the newly formed Khmer Police with training and equipment, the establishment of justice committees along the lines of traditional Cambodian justice as well as a central prison. A key outcome for the AFP members was the development of the criminal code

and regulations for the police, judiciary and prison services. Members of UNBRO later deployed to Somalia in response to increasing lawlessness in Somalia on the Horn of Africa.

Mozambique: ONUMOZ: 1994

In the post-war anti-colonial wave, the Portuguese government remained obdurate in its desire to retain its colonial possessions. In Mozambique various independence movements merged in June 1962 to form the Frente da Liberacao de Mocambique (FRELIMO) (Mozambique Liberation Front). FRELIMO commenced military activities against the Portuguese, conducting their activities from bases inside Tanzania. A 1974 coup in Portugal, known as the Carnation Revolution, led to the signing of an agreement between the Marxist-oriented Portuguese government and their appointed government in Mozambique which was dominated by the pro-Marxist FRELIMO movement. Mr Joaquim Chissano became Prime Minister and independence was declared on 25 June 1975.

Mozambique borders several countries, including Tanzania, Malawi, Zimbabwe (formerly Rhodesia), South Africa and Swaziland. The prospect of a Marxist government on one of its northern borders caused a great deal of concern in South Africa, which was then under the administration of the pro-apartheid Botha government. This was also the period before the independence of Zimbabwe, which was then known as Rhodesia under the Smith government.



Figure 4. Map of Mozambique

In 1977 FRELIMO declared its Marxist-Leninist leanings and signed aid agreements with the Soviet Union and Cuba. FRELIMO was also assisting the Zimbabwean National Liberation Front (ZNLFF) struggle in Rhodesia, and the African National Congress(ANC) in South Africa. The Rhodesian and South African governments commenced providing assistance to a group formed to oppose FRELIMO; initially called the Mozambique National Resistance (MNR) it was renamed RENAMO-Resistencia Nacional Mocambiquana. Eventually Mr Marceta Dhlakama became president of RENAMO which pursued a guerrilla war aimed at destroying the social and economic infrastructure of the country. Between 1981 and 1983 South Africa itself launched commando and air force raids inside Mozambique.

The Mozambique government, via its armed forces, the FAM, closed the land transport routes, vital for Zimbabwe, which responded by sending their own troops into Mozambique to protect the transport routes. RENAMO activities created a refugee problem in neighbouring states and a major drought between 1982 and 1984 combined with the disruption caused by the war caused a major shortage of food.

In 1985, the Mozambique armed forces, (FAM) were stretched and had to rely on the support of neighbouring states, including Tanzania and Zimbabwe which had gained its independence and ousted the Smith government in March 1980. The new Zimbabwe government of Robert Mugabe was a pro-Marxist government, well disposed to the incumbent government in Mozambique. The new Zimbabwe armed forces were trained by North Koreans.

RENAMO and the Mozambique government continued fighting. Following the collapse of the Soviet Union and the fall of the Berlin Wall in 1989, in 1990 the Mozambique government altered its Marxist-orientation towards a more market-oriented, multi-party system. This attracted more favourable treatment from the 'west' and helped to isolate RENAMO politically, as well as the White minority South African government. Both the Mozambique government and RENAMO faced exhaustion, with neither capable of ultimate victory, thus creating a political impasse, precursor to a political solution.

Peace negotiations took place between July 1991 and October 1992 with an agreement between President Chissano and Mr Dhlakama in Rome in a General Peace Agreement. This included a joint political declaration, which committed the parties to accepting the role of the international community, and especially that of the United Nations, in monitoring and guaranteeing the implementation of the General Peace Agreement, in particular the cease-fire and the electoral process. In December 1992 ONUMOZ was approved by the UN Security Council with a mandate which included four distinct sets of objectives: political, military, electoral and humanitarian, with a one year timetable, later revised and extended. ONUMOZ needed to build trust and confidence

in both parties, and in the general Mozambican population as a whole, and convince them that the process could succeed.

The collapse of Soviet Communism in 1991 and the resultant reduced internationalist posture by the Soviet Union had made the 1992 elections possible. The UN-sponsored elections in 1992 were possible because RENAMO was losing support from South Africa and FRELIMO has dropped its Marxist policies, thus making peace talks possible.

In early 1994 the AFP dispatched a contingent of sixteen to Mozambique to aid the civil authorities in restoring law and order to a shattered infrastructure. This contingent was replaced later in 1994 on a rotation basis, as the posting was for six months. The Australian police were under the operational command of a Chief Police Observer, or UNCIVPOL Commissioner, an Egyptian national, who reported directly to the Special Representative. The Australians were posted to various districts in Beira, Lichinga, Gurue, Tete, Nampula, Xai Xai, Inhambane and Matola.

The situation which the first contingent encountered, was a serious deterioration of infrastructure, which had improved little despite the presence of the UN for several months in country. Australian police were instructed by the UNCIVPOL Commissioner to 'get out and get things moving'. The original concept was for the Australians to be split totally, however negotiations between the Australian Contingent Commander and the UNCIVPOL Commissioner resulted in Australians working in pairs in the districts. They largely assumed command positions and supervisory roles.

The Australians worked along-side police from Scandinavia, Malaysia, Guinea-Bissau, India, Pakistan, Bangladesh and Egypt. Upon the arrival of the Australian police, they immediately set about restoring a command structure and establishing investigations teams. Numerous reports of multiple murders, rapes and other general criminal activity had been evident. This established an environment in which the electoral component of the mission could proceed. A general election was held and the entire process passed peacefully. The second contingent of Australian police returned home in late 1994.

Three years later in 1995, Mozambique, by supporting the Commonwealth of Nations in its call for an end to apartheid in South Africa was in turn supported by the Commonwealth to join it; the first and to date the only non-British colony to do so. This provided several non-tangible, but important diplomatic benefits for Mozambique. It allowed access to larger and more wealthy members; it provided for direct diplomacy at the ministerial and head of government level, a facility available to all Commonwealth members, and it assisted in reducing Mozambique's post-conflict reliance on foreign donations, by gaining access to Commonwealth related NGO's and their expertise and goodwill. Meanwhile further north along the eastern coast of Africa, the UN was engaged in another mission in Somalia.

Somalia 1993

In May 1993, one Superintendent, released from duties with UNBRO, was seconded to UNOSOM II in Somalia to the post of senior police advisor to the Special Representative of the Secretary General. His task was to assess the need for police monitors and if possible to organise and develop a training programme for a civilian police authority in Somalia. In November 1993, a second Superintendent was appointed as the director of police services and deputy director of justice in Somalia. His task was to control and direct UNCIVPOL in their task to assist in re-establishing a local Somali police force with a view to eventually restoring peace, stability and law and order. Insufficient staff and indecision by the UN administration in the early stages of this mission, resulted in the AFP members struggling to achieve their mission. The withdrawal of the United States in March 1994 resulted in the withdrawal and closure of the mission.

The sight, in the lounge-rooms of middle-America, of the corpse of a US serviceman being dragged through the streets of Mogadishu, captured graphically in the 2001 movie *Black Hawk Down*, recalled images portrayed similar during the Vietnam War. It was probably this incident which resulted in the withdrawal of US troops from Somalia in March 1994. This caused a fundamental shift in US policy opinion relating to UN peacekeeping duties.

*The Clinton administration issued stringent new guidelines for American participation or even support of UN peacekeeping. If these guidelines were followed strictly, the United States would never support another peacekeeping operation again. The Americans, in fact had to close their eyes to their own guidelines in 1994 when they persuaded the Security Council to vote for a new peacekeeping venture in Haiti.*¹⁵⁹

Haiti: Operation Uphold Democracy 1994–1995

In 1990, the UN observed the first democratic elections in the Caribbean island nation of Haiti since a military coup had forced the President Aristide into exile. Haiti's self-appointed military leader Colonel Cedres did not comply with a UN Agreement for the return of democracy, which resulted in the UN Security Council authorising the formation of a multi-national force to facilitate Cedres' departure and the return of Aristide. The United States led force in *Operation Uphold Democracy* facilitated the return of the exiled President in 1994.

Part of the multi-national force included thirty Australian Civilian Police, primarily from the AFP, with three Victoria Police and two Queensland Police members. This contingent served in Haiti from October 1994 until March 1995 and was posted as a contingent, under Australian police command, to police a district surrounding the town of Jeremie. The Australian police worked alongside United States Special Forces.

¹⁵⁹ Meisler, S. (1995) *United Nations: The First Fifty Years*. Atlantic Monthly Press, p. 309.

The mission in Haiti is unique in three aspects: firstly it was the first mission in which state police members had participated in an international police mission since the very early days in Cyprus; secondly it was, up to that time, the only mission in which Australian police had been armed, at the insistence of the United States, and thirdly it was not a United Nations Mission, but a chapter VII engagement. The United States led mission was later taken over by a United Nations mission, however by this time the Australian police had returned to Australia. Experience gained in Mozambique, Haiti and Cambodia as well as Cyprus saw the AFP deployed in small numbers to the troubled island of Bougainville in 1997.

Bougainville 1997–2003

The island of Bougainville suffered seven years of conflict before a peace settlement was reached. In October 1997 peace talks were held in Burnham New Zealand which resulted in the formation of a Truce Monitoring Group (TMG) which included four AFP members deployed to Bougainville. They were later supplemented by additional AFP members. Their role involved observation and monitoring the progress of the truce and liaison between the various factions involved in the conflict, and reporting and investigating breaches of the truce.

The TMG ceased on 30 April 1998, and was replaced by the Peace Monitoring Group (PMG). AFP members of the PMG monitored and reported on compliance of the parties, and worked to rebuild trust and confidence amongst the communities concerned. This involved assessing and reporting on other aspects of community resilience and development including fresh water, health and schooling. They were also involved in the location, recording and disposal of weapons, ammunition and explosives. The PMG finished in mid-2003.

The New Zealand Police continued to engage in Bougainville with a community policing program. Bougainville remains as a province of Papua New Guinea and is due to conduct a referendum in relation to its political future in 2020, along the lines of the *Matignon Accords* which related to French possessions in the Pacific. There is little doubt that the AFP will be once again called upon to contribute to an Australian Whole-of-Government engagement in relation to Bougainville. Unless carefully managed, it may well result in a similar outcome to East Timor in 1999.

Is this diplomacy by default?

The role the AFP performed in the bulk of these deployments between commencement with UNFICYP in 1964 and Bougainville in 1998, was primarily monitoring and representative. There were aspects of communication, including negotiation and reporting, but these were generally at the local level, especially with UN missions, as reporting to national capitals outside the UN chain was not required, as most missions were distant from direct Australian interests, and such communication was discouraged by the UN.

The contrast between the operational indentations of these missions, and their diplomatic impact can be demonstrated by the trust developed by the long-term presence of Australian police, identifiable by the prominent display of the Australian National Flag in their uniforms, with members of the Greek and Turkish communities on both sides of the UN Buffer Zone, many of whom had relatives in Australia. The long-term diplomatic impact of UN efforts in Mozambique moved that country to transition from a Marxist past, to willingly joining the Commonwealth of Nations. As indicated above, the issues in Bougainville continue, and have the potential to flare up again if the situation is not managed carefully, and have the potential to adversely impact on the relationship between Australia and Papua New Guinea.

Summary and conclusion

The AFP is the international representative of Australian policing and commenced a long, proud and highly credible history of international police engagement primarily with the United Nations. During the 'Great Peace' experienced by the Australian military in the post-Vietnam era, the AFP was active in international 'boots on the ground' missions in Cyprus, Cambodia, Mozambique, Haiti and in a number of other places including Bougainville. This resulted in increased recognition by government that, if used judiciously, police and policing, particularly the AFP, could be an effective alternative to the traditional means of projecting national values and protecting national interests, via traditional diplomacy and military deployment. As Whiddett stated of a 1991 Senate report on UN peacekeeping.

*[i]n passing reference to the role of police...the report asserted that it was 'useful in the UN context to preserve the distinction between police serving in a non-military capacity and the more usual military police units...Depending on the tasks to be performed, the United Nations may have a 'need for civilian police personnel in the future, as operations become less exclusively military...[I]t may also be that some of the tasks that have traditionally been carried out by military personnel would be performed by UN civilian police.'*¹⁶⁰

This concept was to be fully tested in 1999 in the 27th Province of the Republic of Indonesia as a UN-sponsored ballot was conducted to ascertain the political destiny of the population of that province. The AFP played a lead role in this mission in lieu of the Australian military. This will be fully discussed in the following chapter. The UNAMET deployment to East Timor in 1999 was a major turning point in the way the AFP was perceived by the Australian Government of the time led by Prime Minister John Howard. The confidence held by Prime Minister Howard in the AFP, underpinned much of the activities of the AFP in the following decade and a half. It was during this period, that the credentials of the AFP as an international actor came to the fore, and consolidated a foundation upon which the claim of 'diplomacy by default' could be based.

¹⁶⁰ Standing Committee on Foreign Affairs, Defence and Trade, *Australia's involvement in peacekeeping operations*. The Senate. Commonwealth of Australia. August 2008.

Chapter 3: Repercussions and the New Security Paradigm: Closer to Home

Overview

In this chapter, the repercussions of AFP involvement in the United Nations Mission in East Timor in 1999 (UNAMET), and the implications this had for a new Australian security paradigm are explored. It will be demonstrated that the involvement of the AFP in UNAMET and the subsequent Australian-led military intervention known as INTERFET, as well as the international reactions to the terrorist attacks on New York and Washington in 2001, changed Australian government policy, and resulted in a new foreign policy focus, in which the AFP played a key role. This had implications for regional relationships, and diplomatic sensitivities with Indonesia, the Pacific, and further afield, in what was known as the ‘Arc of Instability’.¹⁶¹



Figure 5. Map of Timor Leste

Source: geographicguide.com

¹⁶¹ In 1999 Paul Dibb used the concept ‘arc of instability’ to describe the security challenges facing the Pacific. Wallis, J. (2012) *The Pacific: from ‘arc of instability’ to ‘arc of opportunity’?* The Strategist ASPI, Canberra.

Section 1: East Timor 1999

The AFP commenced involvement in the 27th Province of the Republic of Indonesia in June 1999, and has remained engaged in one capacity or another in the years since. This involvement has its genesis in the mid-1970s, from events in Europe, and a desire by the new socialist government of Portugal, to divest itself of its former colonial possessions, including what was then referred to as Portuguese Timor. The challenges facing peace, order and good governance in this area of land are myriad, and involved both Cold War, and post-Cold War dynamics, as well as a post-colonial power vacuum, which created some serious governance issues, following an Indonesian invasion in 1975. It is also inextricably interconnected with the emergence of democracy in the Republic of Indonesia following the fall of the Suharto Government in 1998.

Carnation Revolution – Lisbon, Portugal 1974

When Suharto came to power in an anti-communist coup in 1965, it provided a sense of relief in the west, including Australia. He was pro-west, and the Cold War in Asia, especially in Vietnam was heating up. The Portuguese colony of East Timor was seen as an insignificant problem, especially as Portugal was the colonial power which administered its possessions directly from Lisbon. Australia generally welcomed European powers in South East Asia, for the added stability they provided to a volatile region, as other colonial powers withdrew. The French had been unceremoniously thrown out of Indo-China, leaving behind a raging insurgency in Vietnam, which was taken up by the United States, with support from others including Australia.

In accordance with their *East of Suez* policy, the British had departed from their colonial possessions in Peninsula Malaya and Northern Borneo, following some military engagements with Malayan communists, and Indonesian military respectively, in which the Australian military had also played its part. Activists such as FRETILIN, inspired in part by FRELIMO in Mozambique, and its military arm FALINTIL, in Portuguese Timor, were leftist-leaning, anti-colonialists, and seen by Australian policy makers as more akin to Viet Cong guerrillas, or Malayan communists than as *freedom fighters*. In the Cold War environment, this was important, but not important enough to gain any traction in Australia, whose primary defence and foreign policy posture, was anti-communist, and maintained a strong desire to keep any such threats as far away from Australian territory as possible.

In 1974, Portugal had a change of government in Lisbon, to a leftist-socialist leaning government, known as the *Carnation Revolution*. In accordance with the prevailing global sentiment, this government sought to decolonise its possessions as quickly as possible. The problem was that the Portuguese were not very benevolent colonists, and ran their possessions directly from Lisbon rather than gradually transitioning to self-government or self-sufficiency. They thus left problems in their former possession Mozambique in Africa, as has been discussed, and in their small

province on the island of Timor, East Timor, which shared a border with Indonesian West Timor. When they left East Timor in 1975, they left no legacy of governance. Even worse they also left 10000 brand new NATO rifles behind as their administration including their military, fled to Aturo Island in Dili harbour, prior to eventually departing altogether back to Europe.

The Carnation Revolution ended Portugal's colonial empire, which led to the right to self-determination. This precipitated a unilateral declaration of independence in November 1975 which prompted the Indonesian military to invade in December 1975. The Portuguese withdrawal created a serious security deterioration on the ground between rival political factions wishing to fill the void, which of course gave the Indonesians a reason to invade in 1975. Prior to this, five Australian journalists had been reported missing in Balibo, on 16 October. It was not until 12 November, that their deaths were confirmed, when their remains and belongings were handed to the Australian Embassy in Jakarta by Indonesian officials. The journalists were in East Timor in advance of the Indonesian invasion and it was believed that they had been murdered by Indonesian Special Forces. This is significant, as the wives and families of these journalists, joined with other activists in Australia, including some 1939-45 war veterans, who fought with the support of the Timorese against the Imperial Japanese in the 1940s, and some student leftists, as well as the Catholic Church. One legacy the Portuguese left was Catholicism, which was also clearly an irritant to predominantly Islamic Indonesia. This was an important factor in the activism which was to emerge later, particularly following the *Santa Cruz Massacre* in 1991.

The only power with the capacity to challenge the Indonesian action, the United States, was at best, ambivalent for a number of reasons, including an aversion to antagonising an anti-communist, oil-producing nation, with control of significant sea-lanes between the Pacific and Indian Oceans, particularly as the global focus was on Cold War dynamics. There was even talk of an independent, leftist-leaning, East Timor, being recognised by China or the Soviet Union and perhaps even becoming a *South East Asian Cuba* with the potential as a missile base aimed at Jakarta.

The Indonesian invasion in 1975, was 'unofficially' sanctioned by Australia and the United States, due to Cold War dynamics. Indonesia, as a majority-Muslim nation, was anti-communist and largely pro-west. The sea-lanes which transit the Indonesian archipelago are vital for Australian trade and security. In particular, the deep waters of the Straits of Ombai and Wetar, which run north of the island of Timor, were important as sea transit lanes for U.S. submarines, traveling from the Pacific to the Indian Oceans.

Domestically, at the political level, this invasion was treated with a bi-partisan 'blind-eye', although there was some agitation among student activists. The two major domestic influencers in Australia were the so-called *Jakarta Lobby*, an informal group of academics and senior defence and foreign affairs officials, who were pragmatically pro-Indonesian, and domestic political

activists, who were pro-East Timorese independence. There is also a line of thought that despite assurances given by President Suharto to the then Prime Minister Whitlam, that Indonesia would refrain from taking military action in East Timor, in the eyes of the Indonesian President, that promise was no longer an obligation after Whitlam was dismissed on 11 November 1975.

The significance of an Indonesian invasion and occupation of East Timor in late 1975, from an Australian perspective, needs to be put into context. The capital of South Vietnam, Saigon, had fallen to communist forces from the north in April of that year. The Americans had largely withdrawn from active military involvement in South East Asia, and Australia had also changed its posture from *'forward defence'* to *'defence of Australia'*.

United Nations Resolutions 384 and 389: 1975

On 12 December 1975, the United Nations General Assembly confirmed resolutions (384 and 389), passed by the Fourth Committee, which deplored Indonesia's intervention in East Timor, and called for the withdrawal of its troops without delay. The resolution was carried 69 to 11, with 38 abstentions. Australia and New Guinea voted in favour of the resolution, as did Singapore. The remainder of the ASEAN nations voted against it, probably related to the non-interventionist foundations of ASEAN as a Zone of Peace, Freedom and Neutrality (ZOPFAN). The U.S., Britain and other 'western' powers abstained, arguably for more strategic reasons related to the Cold War, which was at high risk of turning into expansionism through South East Asia, following the fall of Saigon to North Vietnamese communist forces in April.

Human rights abuses

Upon invasion and occupation of East Timor, Indonesian forces almost immediately became engaged in a full-scale counter-insurgency, which they met with military force, which as Braithwaite states was *ruthlessly brutal with those who openly resisted it, while seeking to respect human rights, and enrol and win the hearts and minds of those who collaborated with it*.¹⁶² Kingsbury wrote how this brutal counter-insurgency resulted in up to 200000 deaths from human rights abuses including *starvation caused by compulsory re-location, preventable diseases caused by a lack of otherwise available medicines, and the killing of combatants and more commonly civilians often on a scale of wholesale massacres by Indonesian soldiers*.¹⁶³

This was matched on the Indonesian side by a high cost in blood and treasure as highlighted by Braithwaite:

¹⁶² Braithwaite, J., Charlesworth, H. and Soares, A. (2012). *Networked Governance of Freedom and Tyranny: Peace in Timor-Leste*. ANU E Press, Canberra, p. 65.

¹⁶³ Kingsbury, D. (1998) *The Politics of Indonesia*. Oxford University Press. Melbourne, p. 181.

*Estimates of total Indonesian lives lost in fighting range from 4000 to 20,000 and of its cost from US\$1 million to \$3 million per day...This cost burden foreclosed opportunities for development projects and also sapped the morale of the Indonesian elite.*¹⁶⁴

Fence of legs

In June 1981, the Indonesian military deployed at least 15 territorial battalions, from outside East Timor and as many as 145,000 conscripted civilians in an operation known as *Operasi Keamanan* (Operation Security). The operation is also known as *Operasi Kikis* or *Pagar Betis* (Fence of Legs). It involved the formation of a human chain which would march across large areas of land with the military behind it in order to flush out guerrillas from their hiding places. The Fence of Legs targeted the eastern part of the territory, because the military's view was that that this was the area in which the resistance was the strongest.

The Australian Government still turned a blind eye. It wasn't until the release of a video taken by photo journalist Max Stahl (2017) of a massacre at the Santa Cruz Cemetery in Dili in 1991, that international activism began to take on a more influential role. Even so, the Australian Government under Prime Minister Keating continued to turn a blind eye.

Santa Cruz massacre 1991

In October 1991, a protest march organised by the East Timorese resistance movement, marched to the Santa Cruz cemetery, in the capital Dili. During this march a protester was killed, and two Indonesian soldiers were allegedly stabbed.

*The reason for the march was that a pro-independence youth, Sebastiao Gomes, was hunted by a government agent and killed with a shot in the stomach while he was seeking sanctuary with other young people in the Motael Church in Dili. During the encounter, an Indonesian intelligence agent also suffered fatal injuries inflicted with a sharp instrument.*¹⁶⁵

Gomes was buried in the Santa Cruz Cemetery in Dili. A protest march was organised by Xanana Gusmao, then leading the East Timorese resistance movement, to demonstrate in front of a visiting Portuguese delegation. Furthermore, Braithwaite observed, how on 28 October, 1991:

The plan of Xanana Gusmao and the Executive Committee of the Resistance (CAVR 2006: Ch.7, p.28) for the clandestine youth to organise a huge demonstration in front of the Portuguese delegation was then switched to a march after mass from the Motael Church to Sebastiao's grave in the Santa Cruz Cemetery...Indonesian spokesmen claimed two Indonesian soldiers were stabbed during the march that swelled to 3000 or more.

¹⁶⁴ Braithwaite, J. et al. (2012), p. 65.

¹⁶⁵ Braithwaite et al. (2012), pp. 79–80.

Braithwaite continued:

*Acting on orders and without warning the crowd to disperse, troops opened fire on the crowd, driving them into the walled cemetery. They then moved about the cemetery shooting and bayoneting protestors inside. Bodies piled up at the gate to the cemetery as marchers sought to flee back out... Shooting continued for about 15 minutes on many accounts before there were orders to cease firing and pile the wounded and dead into trucks. On the highest systematic counts of the time, 271 East Timorese were killed, 382 wounded and 250 were missing afterwards.*¹⁶⁶

The entire incident was filmed by journalist Max Stahl (2017). When this graphic footage was released, and widely distributed by journalists, including John Pilger, it proved a turning point in galvanising international support for the East Timorese, as well as providing a degree of momentum behind Indonesia's pro-democracy movement. Copies of Stahl's video were circulated among the aforementioned groups, and critically amongst human rights and advocates of democracy within Indonesia itself. The video also resulted in renewed interest in the situation in East Timor among the world's media, which was fed by a clandestine activist movement in East Timor. One graphic photo was of the naked body of a young girl in a cell:

*[c]overed in cuts and horrific wounds. Various profanities written in Bahasa Indonesia are written on her body, and a crucifix ... been drawn on her stomach. Stuck to the wall just above her head ... a picture of Jesus Christ, and at her feet... a sign in Bahasa, paralleling the death of Christ on the Cross, which translates as 'If you really are God, come down and bring her back to life'.*¹⁶⁷

Being a member of the Catholic Church had become a form of resistance. It was well organised and reached into rural areas, as well as providing access to an international network. As Braithwaite observed, *Joining the Church...became a private gesture of resistance to perceived Muslim invaders and an affirmation of Timorese identity.*¹⁶⁸

The impact among the Australian polity was continued political ambivalence, possibly due to the bi-partisan influence of the so-called *Jakarta Lobby* in government circles.

*Prime Minister Paul Keating...even cast doubt on the original massacre, saying 'it isn't clear what happened. Pilger and the solidarity movement won this contest for Western public opinion resoundingly, and Australian leaders were again seen as apologists for a crime against humanity.*¹⁶⁹

Activism

A disparate East Timorese solidarity network, expatriate East Timorese, elements of the Catholic Church, and Australian ex-servicemen, who had served in East Timor during the Pacific War and journalists. The latter group was significant due to the five Australian journalists murdered at

¹⁶⁶ Braithwaite et al (2012), pp. 79–80.

¹⁶⁷ Wise (2006) pp. 110-11 cited in Braithwaite (2012), p. 83.

¹⁶⁸ Braithwaite et al (2012), p. 64.

¹⁶⁹ Pilger (1994), p.314 cited in Braithwaite (2012), p. 84.

Balibo by Indonesian troops around the invasion in 1975. This disparate but vocal group continued to apply pressure upon successive governments in Australia.

The issue of East Timor was also kept alive in the 'western' media, particularly in Australia, and remained a significant area of disagreement between Indonesia and Australia, in particular because of reports such as those above. It was a '*pebble in the shoe*'¹⁷⁰ in the Australian-Indonesian relationship. Successive Australian governments continued to turn a blind eye to the situation in East Timor, despite the increased reporting of obvious human rights abuses by the Indonesian military.

Blind eye: Influence of Jakarta lobby

The Australian position, based on pure pragmatism, was de jure recognition of Indonesian sovereignty in East Timor. This position was maintained by the so-called 'Jakarta Lobby', a group of academics, defence and foreign affairs officials who maintained an active interest in pursuing strong diplomatic relations with Indonesia. The existence of this group as a formal entity, is very difficult to establish with any fidelity, however the pragmatic attitude adopted by successive Australian Governments of either political stripe, certainly reflected advice from a:

*group of scholars and diplomats [which] included most of the big guns of their professions who specialised in Indonesian affairs [who] throughout the 1970s, 1980s and most of the 1990s...utterly outgunned the mostly more marginal intellectuals who were active in the East Timor solidarity movement. Political leaders of both major political parties in Australia liked the hard-headed political pragmatism of the pro-Indonesia network.*¹⁷¹

As Cotton stated to ABC Report Mark Colvin in 2004:

*whichever way you look at it, Indonesia is the key country. It's the key country strategically in geographic terms. It's the core country of the South-East Asian regional organisation, ASEAN. For two generations, managing the relationship with Indonesia has been a key concern of governments of both persuasions in Canberra.*¹⁷²

The two primary nodes of this group were:

in Canberra at the Department of Foreign Affairs (its most important player being Richard Woolcott, former Ambassador to Indonesia) ... at the Australian National

¹⁷⁰ This came from a remark Indonesian Foreign Minister Alatas once made to a Portuguese journalist who had asked him how he felt about the international stigma over East Timor. He had responded by saying that it was a problem for Indonesia '*but only as bothersome as a pebble in a shoe...*' He later wrote a book with the same title: Alatas, A. (2006). *The Pebble in the Shoe: The Diplomatic Struggle for East Timor*. Aksara Karunia. Jakarta.

¹⁷¹ Braithwaite et al (2012), p. 72.

¹⁷² Cotton, J. interviewed in PM, *A look behind the 'Jakarta Lobby'*, Australian Broadcasting Corporation 15 April 2004.

*University (its most senior players being the distinguished political scientist Jamie Mackie and the renowned economist Heinz Arndt).*¹⁷³

They were unified by the idea...that Australian diplomacy and scholarship were far too oriented to other Western nations and insufficiently to the largest Muslim population of any nation in the world.¹⁷⁴

The implications for members of the AFP who deployed to East Timor in the second half of 1999 were potentially fatal. Brian Toohey, a leading Australian investigative journalist, wrote in 1999 that a high-level Canberra official was spying for Indonesia when the Australian military was about to deploy to East Timor.¹⁷⁵ Presumably this person was also in office prior to, during and immediately following the deployment of unarmed Australian police with UNAMET. This is not a comforting thought. Whether the executive of the AFP was aware of these machinations is uncertain. What is certain is that none of this was known to members deployed.

Fall of Suharto: Move towards Indonesian democracy – Window of opportunity

Kingsbury (1998), described how, when Indonesian President Suharto was in Egypt, his son-in-law General Prabowo Subianto took a heavy-handed approach to student pro-democracy protests in Jakarta, with several killed and wounded. This resulted in Major General Yudhoyono personally delivering a message from a number of retired Generals to the Commander of the Indonesian military General Wiranto, requesting that President Suharto resign.

General Wiranto initially resisted but *it was becoming increasingly apparent that Wiranto had done a deal with Suharto: 'agree to retire quietly and there will be no more violence'*.¹⁷⁶ President Suharto resigned on live television, on 19 May 1998, and announced the formation of a '*reform committee*' and a new '*reform cabinet*'. *He also announced that there would be new presidential elections and that he would not stand as a candidate.*¹⁷⁷

The election of President Habibie

The election was conducted relatively peacefully and President Habibie was elected. The collapse of the Suharto government in 1998, and the emergent forces of democracy in Indonesia, brought the issue of East Timor once again to the international table. There had been a change of government in Canberra in 1996, and the conservative Liberal Prime Minister John Howard,

¹⁷³ Braithwaite et al (2012), p. 72.

¹⁷⁴ Braithwaite et al (2012), p. 72.

¹⁷⁵ Toohey, B. (1999) '*Hunt on for Indonesian Spy*', Australian Financial Review, 18 Sep 1999 in Collins, L. and Reed, W. (2005). *Plunging Point: Intelligence Failures, Cover-ups and Consequences*, 4th Estate/Harper Collins, Sydney, p. 50.

¹⁷⁶ Kingsbury, D. (1998), p. 251.

¹⁷⁷ Kingsbury, D. (1998), p. 252.

having witnessed the success of the Cambodian mission in 1993, under the ALP Foreign Minister Gareth Evans, and the enlightened involvement of the Indonesian Government with the *Jakarta Informal Meetings* (JIMs), to facilitate the Cambodian solution, perhaps glimpsed a window of opportunity for East Timor, which was open for a fraction of a political second. Prime Minister Howard made an approach, by letter, to President Habibie, the caretaker President of Indonesia, and raised the issue of East Timor. After some hesitation, and deliberation, President Habibie acquiesced and arrangements were made to conduct a ballot through the United Nations, to ascertain the intentions of the East Timorese public.

This was not appreciated by powerful elements within the Indonesian military as Habibie's presidency was regarded as transitional. At the time of the announcement of the ballot, several pro-Indonesian militia groups became active within East Timor. Each was assigned to a particular area or regency and were raised, trained, armed and supported by the Indonesian military, TNI (Tentara Nasional Indonesia).

Letter from Prime Minister Howard to President Habibie 1998 – Offer of special autonomy

It was President Habibie's reaction to the contents of Prime Minister Howard's letter of 19 December 1998, which created a momentum over which the Australian Government and Prime Minister Howard lost control. The letter purportedly drafted by Michael Thawley (International Advisor to Prime Minister John Howard, between 1996 and 1999) , Peter Varghese (First Assistant Secretary of the International Division, Department of the Prime Minister and Cabinet 1998 to 1999) and John Dauth¹⁷⁸ (Deputy Secretary of DFAT) , and discussed by Ashton Calvert (Secretary of the Department of Foreign Affairs and Trade 1998-2005) and John McCarthy (Ambassador to Indonesia 1997-2001), was hand delivered by the Australian Ambassador to Indonesia. It was a letter relating to President Habibie's mention of offering a status of special autonomy to East Timor. It was a letter that would have profound consequences. It states inter alia:

My dear President

Your offer of autonomy for East Timor was a bold and clear-sighted step that has opened a window of opportunity both to achieve a peaceful settlement in East Timor and to resolve an issue that has long caused Indonesia difficulties in the international community. A settlement would enable you to put the issue behind you. It would make a substantial difference to Indonesia's standing in the world, with the benefits that could bring.

¹⁷⁸ John Dauth was the Australian Consul-General in New Caledonia from 1986-1987 before being declared persona non grata by the French government after Paris complained that he was too close to the Kanak pro-independence movement.

I want to emphasise that Australia's support for Indonesia's sovereignty is unchanged. It has been a long-standing Australian position that the interests of Australia, Indonesia and East Timor are best served by East Timor remaining part of Indonesia...It might be worth considering... a means of addressing the East Timorese desire for an act of self-determination in a manner that avoids an early and final decision on the future status of the province. One way of doing this would be to build into the autonomy package a review mechanism along the lines of the Matignon Accords in New Caledonia. The Matignon Accords¹⁷⁹ have enabled a compromise political solution to be implemented while deferring a referendum on the final status of New Caledonia for many years ...[This] would allow time to convince the East Timorese of the benefits of autonomy within the Indonesian republic.¹⁸⁰

Importantly, the letter contained support for Habibie's decision to offer autonomy to East Timor, and reaffirmed Australia's support for East Timor remaining a part of Indonesia. This was contrary to the popular narrative amongst the Indonesian military and their militia proxies that Australia was actively supporting the pro-independence movement. The perceived lack of impartiality of Australia and Australians, posed a serious risk to AFP members, who deployed as part of the UNAMET Mission as they wore the Australian National Flag prominently on their uniforms in accordance with UN uniform requirements, and were specifically targeted by the pro-Indonesian militia, both before, and particularly after the UN ballot in 1999.

Indonesian response

Habibie's reaction to the letter provoked an unexpected and unwelcome reaction from President Habibie. The letter was carefully drafted and delivered discreetly, and was intended to open the East Timor issue tactfully, to address what Indonesian Foreign Minister referred to as, the 'pebble in the shoe', in the Indonesian-Australian relationship. However, the letter's contents, particularly the reference it contained to the *Matignon Accords*, angered Habibie and were misconstrued by him, as a suggestion that Indonesia was acting like a colonial power. This inference was unwelcome, and probably spurred his desire to address the East Timor issue once and for all.

Loss of control over the process

In late December 1998, the existence of the letter was leaked, and was published in the media. The situation then became difficult to control. On 27 January 1999, following a media release by the Australian Government on 12 January 1999, President Habibie consulted with his cabinet and decided to offer East Timor 'regional autonomy plus'. If the offer of autonomy was rejected, his

¹⁷⁹ *The Matignon Agreements* (1988) were agreements signed in June 1988 between loyalists who wanted to keep New Caledonia as a part of the French Fifth Republic, and separatists, who did not. They allowed for a delayed period between a decision to hold a referendum and the actual referendum itself.

¹⁸⁰ Mules, N., Merrifield, S., Bull, C., Chan, M. and Hooper, S. (2001). *East Timor in Transition, 1998–2000: An Australian Policy Challenge*. Canberra: Department of Foreign Affairs and Trade, Commonwealth of Australia, Canberra, pp. 181–182.

government would recommend that the Indonesian parliament ‘release East Timor from Indonesia’.

The events and decisions of January 1999, created some serious concerns for the Australian national security policy community. The meeting of the Strategic Policy Coordination Group (SPCG) on 15 January, highlighted Defence’s disappointment with the lack of internal consultation, and provided a negative prognosis for what might happen next. Rear Admiral Peter Briggs, a participant at that meeting, recalled:

Hugh White [Deputy Secretary for Strategy, Australian Department of Defence] was very forthright, and questioned the DFAT representatives on the process and intentions of the letter. Hugh said something like ‘Do you know what the f... is going to happen?’ – they were taken aback at Hugh’s language and expression – ‘Habibie is going to accept the offer, there will be a process of self-determination which the Indonesian military will resist, and the local militias will be the tool they will resist it with, and we will end up with the ADF [Australian Defence Force] on the ground between the Indonesians and the East Timorese. We could well end up with body bags coming back to Australia.’ It was an extremely strong event.¹⁸¹

This was prophetic, but it wasn’t the ADF who stood between the pro-Indonesian militia and the rest of the East Timorese community, but unarmed AFP members, who formed the bulk of the UN Civilian Police component. There were no body bags returning to Australia, but that was more due to good luck than good management, as there were many situations in which body bags were a definite possibility.

Australian response

There was a significant divergence of opinion, between DFAT and Defence, about any Australian response to this rapidly emerging situation. DFAT believed that Indonesia, specifically the Indonesian Police, were responsible for security in East Timor and advocated the use of diplomacy to avoid the need to deploy a peacekeeping force. They did not want to convey a perception that Australia was preparing to intervene in East Timor, as it could create tension with Indonesia, or allow others to assume that Australia would take the lead and ‘bankroll’ the process. Australian officials also feared this perception could have discouraged the Indonesians and Timorese from coming to their own compromises about the process.

Militia warnings – Pre-ballot

The political choices for the East Timorese were becoming clearer: special autonomy and continued integration within the Indonesian republic, or a formalised UN-sponsored path towards full independence. This aroused deep passions on both sides of this question, and serious

¹⁸¹ Blaxland, J. (ed) (2015). *East Timor intervention: A Retrospective on INTERFET*. Carlton, Victoria, Australia: Melbourne University Press, p. 32.

breakdowns in civil order occurred, with the formation of para-military militia groups supporting the pro-Indonesian position.

*The need for some form of international intervention was underlined by the precarious state of civil order. The appearance of armed 'militias' in the territory, including Halalinitar led by Joao Tavares (former Bupati of Bobonaro), Mahidi led by Cancio Lopes de Carvalho, as well as Besih Merah Putih and Pana led to a sharp deterioration in the security of the territory. The use of militias, raised by the Interior Ministry but attached to the territorial or combat military groups, has been a long-standing practice in East Timor. Now these and other groups declared themselves in favour of integration, and were provided with additional arms so that they might terrorise the populations in their areas. Through February, attacks on civilians continued while villages emptied, and roadblocks staged by armed gangs led to beatings and murders.*¹⁸²

The militia groups were organised along Portuguese colonial regency lines, which also coincided with UN Electoral Districts. They were raised by Major-General Zacky Anwar Makarim, the former head of military intelligence. Their predilection for violence was known in some Australian quarters as early as February 1999, where at a meeting at the Australian National University, discussions ensued about forward momentum concerning East Timor.

*At the end of the meeting (on 25 February 1999), FPKD spokesman Basilio Araujo handed Downer a letter, which he opened after the group had departed. It was addressed to him and signed by Eurico Guterres, head of the Aitarak militia group, and Cancio Carvalho, head of the Mahidi militia, on behalf of the 'Commander of the Pro-Integration Paramilitary'. The letter declared integration as 'final', claimed that the pro-integration forces fought for those who were politically immature and vulnerable to manipulation, and contained threats to the safety of Australian diplomats and journalists in East Timor. 'It is better to sacrifice an Australian diplomat or journalist to save the lives of the 850,000 East Timorese...the pro-integration paramilitary group is...looking forward to meeting and facing any Australian hypocrites, deceivers and political mercenaries (including the East Timor pro-independence Australian peacekeeping force) on the soil of East Timor-day or night.'*¹⁸³

In the meantime, the militia-led violence continued under the military operational name Operation Global Clean Sweep. This was organised by the Indonesian military.

Operation Global Clean Sweep – Pre-ballot

The deteriorating circumstances on the ground in East Timor were becoming evident to the Defence establishment. According to Kingsbury:

Aitarak and the other militias were supported and armed by the regional Udayana IX Military Command, based in Bali, and occasionally led in the field by (sometimes former) military intelligence officers, associated with the Satuan Tugas Intelijen (Intelligence Duty Unit-SGI) and Kopassus (Special Forces). Through what it called Operasi Sapu Jagad (Operation Global Clean Sweep), these gangs were responsible for hundreds of deaths in East Timor between January and July 1999 and caused more

¹⁸² Mules, et al. (2001), p. 15.

¹⁸³ Mules et al. (2001), p. 50.

*than 600,000 people to flee their villages, creating a serious refugee problem. Officials from the key independence organization, the Timorese National Resistance Council (CNRT) were killed, while its offices in the western part of East Timor were effectively kept closed.*¹⁸⁴

In May 2004, an ABC Background Briefing program journalist Peter Cronau interviewed a number of defence, intelligence and DFAT officials and stated, *There were shootings and massacres, and Indonesia continued to fend off calls for UN peacekeepers in East Timor. And a steady trickle of leaked secret documents from Defence Intelligence Organisation, with details of the TNI backing for the violent militias flowed to journalists.*¹⁸⁵ It was clear something needed to be done, and the expectation was that Australia was best placed to do it.

United Nations Security Council Resolution 1246: 1999

The UN, which had never recognised Indonesian sovereignty, and was committed to decolonisation generally, successfully negotiated an agreement between the governments of Portugal, the former colonial power, and Indonesia, the actual occupiers of East Timor in March 1999, to move forward politically on the question. This set in motion a series of meetings concerning the deteriorating security which was clearly an issue in such a volatile environment.

*[O]n 12 March, UN Secretary General Kofi Annan was able to announce that all parties had agreed that a 'method of direct ballot will be used to ask the people of East Timor whether they accept or reject a proposal for autonomy, the details of which were soon to be provided by the Indonesian Government. Though it was clear that there were still some obstacles in Jakarta to be overcome....this was nevertheless a significant breakthrough. The conditions necessary for the conduct of such a vote would require a UN presence, including a role for armed forces, and the Secretary General suggested that UN personnel would be in place by June 1999...The Government's position was that in advance of any possible settlement, the use of Australian military forces as 'peacekeepers' was likely to have disastrous consequences ... The oppositions view was that without a third force to prevent the violence and intimidation which was becoming commonplace in parts of the island, no ballot could hope to produce a fair and accurate result. It followed that such a force was necessary ahead of the ballot.*¹⁸⁶

In terms of Australian foreign policy, Australia was now in an unenviable position. Having initiated a process towards a long-term, peaceful political solution in good faith, it had now lost control of the process by which this could possibly be achieved. It was the reference to the Matignon formula which appeared to tip the balance in the mind of President Habibie. The official Australian position, recognising Indonesian sovereignty over East Timor was in direct

¹⁸⁴ Kingsbury, D. (ed) (2000) *Guns and Ballot Boxes: East Timor's Vote for Independence*. Monash Asia Institute. Melbourne, p. 72.

¹⁸⁵ Cronau, P. (2004) *Intelligence Wars: Behind the Lance Collins Affair*, ABC Background Briefing, [<http://www.abc.net.au/radionational/programs/backgroundbriefing/intelligence-wars-behind-the-lance-collins-affair/3418864>]

¹⁸⁶ Cotton, J. (1999). *East Timor and Australia. AIIH Contributions to the Policy Debate*. Australian Defence Studies Centre, Canberra, pp. 15–16.

contravention to that of the United Nations, which still recognised Portugal as the legitimate power. Portugal had divested itself of its colonies in 1974. It was a tense and complex situation.

To complicate matters further, Australia was best placed to provide the military force which was clearly required in the circumstances. The difficulty was that the Australian military, which in practical terms, was the most appropriate instrument to provide a peacekeeping force, was not considered suitable for political reasons, primarily related to the active opposition from the Indonesian military to have a foreign force, particularly Australian forces, on what it considered to be sovereign Indonesian territory. It was a complex situation. Clearly a '*Third Force*' was required. The prospect of such a '*Third Force*' however, was raised by Max Moore-Wilton, the head of the Prime Minister's Department. This took the form of the Australian Federal Police.

Security agreement civilian Police: The Third Force

Max Moore-Wilton floated the suggestion of the Australian Federal Police, and as a result at a meeting with the Indonesian President in Bali in May 1999:

*Prime Minister Howard asked whether Indonesia would accept a contingent of several hundred police officers. Habibie said this would be difficult given the small number of officers (250) in the Indonesian police force in East Timor. Habibie said that it was intended that the number of Indonesian police would be increased, but even without increased numbers the security situation in East Timor presented no problems: there was no international crisis occurring in East Timor...It was agreed that the UN would determine how many police would be adequate for the task. In a separate discussion with Defence Minister John Moore, Wiranto agreed that Indonesia would accept 200-300 international civilian police in East Timor.*¹⁸⁷

The dynamics of this meeting are instructive. Hugh White, a senior Australian Defence official present, later stated that, when the prospect of Australian troops was raised, the Chief of the Indonesian military, General Wiranto, emphatically opposed it. So much so that he physically waved his arm repeatedly in front of his own President and said loudly, '*No, no, no!*'. This exchange speaks volumes about where real power resided in the embryonic Indonesian democracy.

UNAMET is established: June 1999

The result of all of these meetings was the creation of the United Nations Mission East Timor (UNAMET) on 11 June 1999, in which the newly formed Indonesian Police would be responsible for security, with a number of unarmed international police advisors, assisting. Prominent among the number of international police, was a group of Australian Federal Police which eventually numbered 52.

¹⁸⁷ Mules et al. (2001), pp. 79–80.

The UN Resolution 1246 of 11 June 1999 was the instrument under which the AFP members deployed to UNAMET. It state inter alia: ¹⁸⁸

Authorises until 31 August 1999 the deployment within UNAMET of up to 280 civilian police officers to act as advisers to the Indonesian Police in the discharge of their duties, and at the time of consultation, to supervise the escort of ballot papers and boxes to and from the polling sites.

By virtue of UN Resolution 1246, 11 June 1999, UNAMET was mandated to include political, electoral, civilian police, information, military liaison officers and administrative components...The 5 May Agreements mandated the Indonesian police with the responsibility for the maintenance of law and order, with CivPol acting as advisors. CivPol were to be unarmed. CivPol were also mandated to supervise the escort of ballot materials to and from polling sites. To carry out these tasks the United Nations deployed 271 civilian police, with the first team deployed by mid-June. ¹⁸⁹

Armed police

The question as to whether the police should have been armed or not, was raised at the time, and continues to raise eyebrows in certain circles. East Timor in 1999 was a province of a sovereign nation recognised by Australia, but not the UN. As such the armed security was entrusted with the sovereign power, Indonesia. This was an asymmetric security situation as UN Civilian Police including members of the AFP were unarmed. This was a controversial subject at the time and still remains so. Most of those who were part of the first contingent, including the author, maintain that had they been armed they would have provoked a more hostile reaction from an already affronted Indonesian police and military structure. They would have been outgunned as they would only have been carrying police issue handguns, and they would have presented themselves as targets by militia groups, who would see the police side-arms as desirable items, and would have attempted to obtain them by any means available including murder. Paradoxically in this case being unarmed worked to the advantage of member safety.

The question of whether CivPol would be armed was the subject of considerable discussion within the Australian Government. After extensive deliberation, the Government accepted advice from the AFP that Australian CivPol should be unarmed, in line with conventional UN practice. ¹⁹⁰

Commissioner Alan Mills who was the UN CivPol Commissioner in East Timor in a later address to an International Policing Conference stated:

The issuance of sidearms to CivPol should only be taken as a last and extreme measure. That issuance must be consistent with the mandate criteria and preferably in agreement

¹⁸⁸ UN Security Council Resolution 1246 (1999) Established the United Nations Mission in East Timor (UNAMET) to organise and conduct the *East Timor Special Autonomy Referendum* on the future status of East Timor. [S/RES/1246/ (1999)]

¹⁸⁹ Mules et al. (2001), pp. 91–92.

¹⁹⁰ Mules et al. (2001), p. 92.

*with the parties to the conflict...the issuance of a sidearm for CivPol raises the bar in terms of visual acceptance as a peacekeeper, and increases the likelihood of the member becoming a target. In any case, when compared against the array of military type weapons usually carried by the parties to the conflict, the presence and capacity of a sidearm is totally disproportionate...The absence of weapons assists in clearly projecting a more positive image to the parties to the conflict and the community generally. In most cases it engenders respect that paves the way for a more positive communication process.*¹⁹¹

Impartiality is a trait of liberal-democratic policing and played a significant part in maintaining a semblance of order during the UNAMET Mission. It is a highly desirable requirement for United Nations service. This was sorely tested in East Timor during the UNAMET Mission, and despite the challenging security circumstances, and the volatile political situation, it was the correct decision.

Indonesian perception of Australian partisanship

The Indonesian military, and their militia proxies, believed that the UN, and all of its constituent parts, including Australian police working with the UN, supported the pro-independence movement. Had the AFP members assumed the policy of the Australian Government, rather than that of the UN, they would have actually been justified in being actively pro-autonomy. The fact is, in accordance with their own training and apolitical posture in Australia, the AFP members were impartial, which was something which came naturally to them. This can be a difficult concept to grasp for people whose political experience and exposure has been entirely partisan, which was the case with the militia groups or even politicised entities such as the military and police in East Timor. Nonetheless, the impartial posture and the fact that they were unarmed, allowed international police to negotiate, rather than use force, or the threat thereof, to resolve potential conflict, in partnership with their Indonesian Police colleagues, who themselves had just split from their military. In fact, impartiality played a significant role in de-escalating some very volatile situations between armed militia groups and UN volunteers, as well as normal East Timorese community members.

In accordance with an instruction from the UN Civilian Police Commissioner, the senior AFP member Alan Mills, the UN police were: to apply the rule of strict neutrality, monitor the neutrality and observe the performance of the Indonesian Police, by creating a professional and sound working relationship with them. To provide advice, assess threats and escort the ballot boxes to and from the polling sites. The objective was to encourage the preservation of law and order, and inspire confidence among the community to allow them to register their vote in a *'free, fair and stress free environment.'* The process of the ballot itself was very thorough and progressed through organised phases.

¹⁹¹ Mills, A. (2001) *Civilian Police as Peacekeepers*, International Policing Conference, 2001, p. 10.

Operation Global Clean Sweep – ballot

The overt nature of *Operation Global Clean Sweep* went covert upon the arrival of UNAMET in June 1999, however:

[i]n late June and early July, incidents of intimidation and violence directed at UNAMET served not only to highlight the larger problem with militia activities posed to a free consultation process, but also the question of whether UNAMET would be able to carry out the process at all. Throughout June, anonymous phone callers made repeated threats against UNAMET personnel, including, to lob grenades into UNAMET's Dili compound and eateries favoured by international staff. Threats were also made to shoot down the helicopter transporting the Secretary-General's two representatives...A letter was received threatening 'rivers of blood' in East Timor, and the UNAMET VHF frequency was broken into with a message that all UNAMET personnel would be killed.¹⁹²

This was the uncertain security environment which confronted AFP members who formed the largest contingent within the CIVPOL element of UNAMET. The helicopter report was made by AFP members in the Suai region after sightings of militia carrying long arms, and what appeared to be shoulder-launched rocket launchers in the vicinity of the proposed landing zone. These reports were dismissed by Commissioner Mills as '*alarmist and overstated*', and the reporting police were chastised. This did nothing to engender trust in Commissioner Mills amongst the Australian police. The helicopter situation was eventually resolved after the incident was brought to the attention of the Indonesian Police, who then dealt with the suspects, not by arresting them, but by ordering them to leave ...with their weapons.

AFP role, UN CIVPOL and the relationship with the Indonesian Police

The role of the UN CIVPOL as outlined in UN Resolution 1246 in which CIVPOL was directed to monitor the neutrality and observe the performance of the Indonesian Police: (1) Provide advice to the Indonesian Police; (2) Assess threats to the public order and advise the local authorities on it; (3) Supervise the escort of ballot papers and boxes to and from polling sites; and (4) Assist efforts on UN agencies and other Civil Components of the UN Mission. All of this assumed a benign security environment: *The agreement on security stated that an environment devoid of violence or other forms of intimidation was a prerequisite for holding a free and fair ballot.*¹⁹³

This was the sole responsibility of the Indonesian Police however, they had only separated from the military in April 1999 and given the difficult circumstances in which they found themselves, generally the police to police relationships between AFP and POLRI were positive as McFarlane wrote:

¹⁹² Mules et al. (2001), p. 102.

¹⁹³ Mules et al. (2001), p. 83.

[g]enerally, the POLRI officers tried to do 'the right thing'. Most POLRI members never felt at ease with the role they were required to perform and there was a fair bit of 'manoeuvring' about the way they performed their duties. Overall relations between Civilian Police and POLRI were very good, and on many occasions, POLRI officers went out of their way to help or look after the Civilian Police members. POLRI was quite a professional organization, but during the UNAMET period they were sandwiched between the TNI/militia and the United Nations-a difficult place to be.

Relations with the Police Mobile Brigade (BRIMOB) were also good and on at least one occasion, BRIMOB intervened to save Civilian Police from militia violence. In Maubisse, Civilian Police and BRIMOB played volleyball regularly and a good spirit prevailed. Unlike the TNI, POLRI was not well-equipped and, in particular lacked transport, which severely limited their role to protect Civilian Police.¹⁹⁴

The ballot

Upon arrival in East Timor, police were split into small groups and attached to electoral teams, as determined by the Chief Electoral Officer, which were then dispatched throughout the province to some very remote and inaccessible areas, often without supplies, communications or maps. It was in these areas, as well as in Dili, that much of the militia inspired violence and intimidation took place. Increasingly, reports of these militia groups being supplied with alcohol and amphetamines, by the TNI, to increase aggression became apparent. This violence continued throughout the entire period UNAMET was running, and escalated dramatically when the actual ballot result was announced.

Each electoral team, consisted of two UN Volunteers, drawn from all parts of the globe, a local Timorese driver and a Timorese interpreter. The role of each team was to establish a registration and polling-place, provide voter education, register voters, and ultimately to conduct the ballot. The role of UNCIVPOL was to liaise with POLRI to ensure that this process could proceed without disruption or interference. This was generally successful, however in some areas, intimidation and coercion occurred to such an extent that voter registration and campaigning had to be suspended.

The most important role of UNCIVPOL was to secure the ballot boxes once the polling had ceased, the administration reconciled and the ballot boxes sealed. The ballot boxes were conveyed to secure locations overnight and collected the following morning and conveyed to the central tally office in Dili. At all times these ballot boxes were to remain in the custody of the UN Police. This included overnight security, where in some cases UN Civilian Police slept with the ballot boxes to ensure an unbroken chain of custody. This was a concept with which police were familiar, as it is exactly the same concept used for the handling of evidentiary material.

¹⁹⁴ McFarlane, J, and Maley, W. (2001) *Civilian Police in United Nations Peace Operations: Some Lessons from Recent Australian Experience*, in Thakur, R and Schnabel, A (eds). *United Nations Peacekeeping Operations: Ad Hoc Missions, Permanent Engagement* (Tokyo: United Nations University Press) pp.182–211.

Ballot result

Despite intimidation and coercion by militia groups, and claims made by pro-Indonesian elements, of bias and procedural irregularities by UNAMET, the people of East Timor registered to vote almost in their entirety, and in excess of 98 per cent of eligible voters actually voted on 30 August 1999. The ballot result was announced by UN Secretary General Kofi Annan in the mid-morning of 4 September 1999.

*The result was an overwhelming rejection of Indonesia's autonomy proposal: 21.5 per cent (94388) said yes to the offer; 78.5 per cent (344580)) rejected it and, in doing so, indicated a preference to separate from Indonesia.*¹⁹⁵

The impact on the ground was immediate, widespread and extreme. Most of the UN electoral volunteers had left East Timor immediately following the actual ballot, and before the announcement of the result. The only remaining, and highly visible UN presence, were UN Police, with AFP members prominent among them. There is a UN requirement that police members wear their national flag prominently on their shirts. As a result, Australians attracted the specific attention of militia violence. This was a very dangerous situation for CIVPOL, but specifically for AFP members, who were the most numerous, and also highly identifiable to militia groups. The Indonesian Police could no longer guarantee their safety.

*One Australian Civilian Police (UNPOL) officer told us how his local POLRI (Kepolisian Negara Republik Indonesia: Indonesian National Police) commander tipped him off after the referendum result was announced in 1999: 'Tomorrow I've been ordered to remove your security at midday and not see what happens.' The Australian added that the local militia had a list of priority targets for assassination that he himself was on, but the POLRI commander was number one on that list.*¹⁹⁶

Over reaction by TNI/Militias: Operation Global Clean Sweep – Post-ballot

The overt phase of Operation Global Clean Sweep was implemented, as TNI and POLRI were dispatched throughout the province. Some members of POLRI donned their old military uniforms. Shortly after these dispatches, smoke from burning villages was sighted, large groups of internally displaced persons commandeered transport, or were loaded aboard military transports and the province generally descended into chaos and violence. The Indonesian police evaporated and the UN Civilian Police were left isolated in many areas of the province. There was thus no control at all over the violence, and little restraint was being demonstrated by the perpetrators. This created a deliberate humanitarian crisis on the ground.

A further element of Operation Clean Sweep was to disrupt the UN process in East Timor. This problem escalated into August and had reached radical proportions by

¹⁹⁵ Mules et al. (2001), p. 124.

¹⁹⁶ Braithwaite (2012), p. 61.

*early September, with more than 350,000 forced into homelessness and hundreds, probably thousands, tortured and killed.*¹⁹⁷

The Indonesian military action bore similar hallmarks to those of 1975, where military action was justified to suppress insurrection, and to remove international witnesses, particularly UN police. Major Clinton Fernandes, an Australian Intelligence Officer with INTERFET, deployed after UNAMET withdrew stated:

The Indonesian military terror campaign was carefully calibrated in intent, timing and location. For all its visceral, punitive aspects, the aim was to reverse the result of the ballot. It would have to be discredited as rigged, by suggesting that a majority of Timorese were voting with their feet. The Indonesian military needed to remove all foreigners in order to execute its plan without the impediment of outside attention. Therefore, for all its sensationalism and violent imagery, the execution of the terror campaign was carefully controlled.

*The military campaign would work sequentially as follows: 1. Use the militia proxies to confine and remove foreign observers. 2. With foreigners gone, attack the local population and use logistics assets to move them across the border. 3. Provoke a desperate retaliation from Falintil...thereby drawing it into a conventional war. 4. Announce that the TNI was forced to intervene between the 'factions' and then, freed from restraints, attack and destroy Falintil in conventional warfare. 5. Create new demographic facts on the ground, ensuring that the results of the ballot were irreversibly overturned.*¹⁹⁸

Prominent among the Indonesian military units perpetrating the violence was Battalion 745, an East Timorese military unit, whose nickname was 'The Brave Ones'.

*The Battalion's nickname was strictly and bitterly ironic. 'The Brave Ones'. A fighting unit with a proud history of child murder, rape, plunder and riot. You could tell when Battalion 745 had passed through because of their signature legacy of shallow graves, burnt buildings and drinking wells crammed with the mutilated remains of the dead peasants they were pledged to protect.*¹⁹⁹

The UN compound, Dili 4–10 September 1999

Eventually through a great deal of negotiation and by sheer luck, the UN Civilian Police were able to make their various ways to the UN Headquarters compound in Dili from all of the remote

¹⁹⁷ Kingsbury (2000), p. 72.

¹⁹⁸ ABC Background Briefing, 30 May 2004 *Intelligence Wars: Behind the Lance Collins Affair* p.10) [<http://parlinfo.aph.gov.au/parlInfo/search/display/display.w3p;query=Id%3A%22media%2Fradioprnm%2F2YQC6%22;src1=sm1>]

Australian Intelligence Corps' former principal analyst for East Timor, Major Clinton Fernandes declined to comment on the report, but Background Briefing extracted the above comment from his contribution to a university discussion list.

[<http://www.abc.net.au/radionational/programs/backgroundbriefing/intelligence-wars-behind-the-lance-collins-affair/3418864>]

¹⁹⁹ Birmingham, (2001), *The Brave Ones: East Timor 1999*. Black Inc. Collingwood, Victoria, p. 1.

areas of the province. There the situation was little better. This is illustrated by the following extract from a 2001 DFAT publication:

*Despite a visit to Dili on 5 September by General Wiranto and Foreign Affairs Minister Alatas, that afternoon the security situation in Dili deteriorated further. Harassment of the international presence increased significantly. UNAMET staff were increasingly confined to headquarters as UN vehicles were shot at in the streets, as was the Australian Consulate vehicle...That evening, machine gun fire in the close vicinity of UNAMET headquarters drove several hundred more terrified East Timorese to seek refuge in the UNAMET compound. Gunfire and grenade blasts continued throughout the night.*²⁰⁰

A latrine was dug behind the auditorium and gunfire and grenade explosions persisted throughout the day and night. Indiscriminate tracer fire was visible being directed up the hill behind the compound in the direction of fleeing internally displaced persons (IDP). Whilst machine gun fire and other military weapons, including grenades were being discharged around the UN compound in Dili, the UN Police Commissioner was holding a briefing to an auditorium of assembled police who had been withdrawn from regional areas and concentrated in the compound. During the briefing a burst of automatic fire was heard very close to the front gate.

This incident was dismissed by the Commissioner as some sort of over exuberant behaviour by some disappointed East Timorese using 'toy pop guns'. This was met with incredulous expressions by the assembled police, many of whom had seen active military service, until a number of U.S. police officers, got up and walked out, voicing their opinions of his assessment of the situation and seeking ways to contact their government. At this point the credibility of the police leader, with his own police members, reached a point of no recovery.

Later that evening, more automatic fire which caused the flight of the IDP's into the UN compound, gave lie to the Commissioner's assessment, as it was machine-gun fire containing tracer rounds, fired up the hill behind the compound, directly at fleeing IDP's who had clearly lost faith in the protective capacity of the UN, and were going to take their chances in the hinterland around Dili. That burst also gave lie to the assessment that the Indonesian military was remaining neutral, as it was a TNI machine gun post near the front gate of the UN compound which fired up the hill.

The post-announcement violence in East Timor created a volatile situation, which could have been anticipated, but which placed the security of civilians and UN civilian police, at the mercy of the newly-formed, and heavily out-gunned POLRI. The UN Headquarters in Dili was in a former teacher training college. Next to this facility was an actual school where thousands of East Timorese displaced persons had taken refuge. During the militia rampage, automatic small-arms fire was directed in the vicinity of this group of people, who naturally panicked and scaled the

²⁰⁰ Mules et al. (2001), p. 127–128.

wall into the UN compound. In the ensuing panic, terrified East Timorese climbed over the masonry wall separating the UN compound from the former teacher's college.

The wall was topped with razor wire, and many of the fleeing people became caught up in the wire, some hanging by their clothes and many hanging by their limbs and hair. An AFP member organised for the heavy steel gate separating the areas to be opened, and a large number of East Timorese flowed into the UN compound. This put an enormous strain upon the limited water, food and sanitation facilities inside the compound, thus causing the UN to 'tactically re-locate' the bulk of its staff to Darwin. Whilst this was occurring, the TNI and militia continued their destruction. Images of this were being transmitted by news crews to an increasingly enraged public in Australia and elsewhere.

Withdrawal of UN to Darwin

Once the extent and severity of violence became known, the plan to evacuate UNAMET personnel from East Timor (*Operation Spitfire*) commenced and contingency planning for a peace-making operation began. Lobbying was conducted to muster support for an international military coalition. It was clear that UN Secretary-General Kofi Annan did not believe that the Indonesian military could maintain control of the situation. This concern resulted in a phone call to Prime Minister Howard on 6 September, where the UN Secretary General asked whether Australia would contribute to an international force for East Timor if this was authorised by the Indonesians and the UN Security Council. According to Prime Minister Howard, he told him that Australia would make a significant contribution and insisted that Australia be asked to lead.

Between UNAMET and INTERFET – A fortnight of chaos

The period between the withdrawal of UNAMET, between 6-10 September and the arrival of INTERFET on 20 September was characterised by multiple casualties and atrocities. Battalion 745 wasn't the only offending group. TNI General Syahnakri the military commander recorded:

As we predicted, on 4 September 1999, after the announcement of the referendum won by those in favour of independence, riots occurred in almost all regions of East Timor, especially in Dili. For no apparent reason, the results were announced earlier than the original schedule of 7 September 1999. Horizontal conflict was unavoidable, and chaos, burning, looting and even murder, occurred in some areas.

On 7 September, I suggested the Commander in Chief of the TNI should send two brigades to East Timor and on the afternoon of 8 September we landed in Dili. In the evening, and through most of the night, we heard sporadic rounds of gunfire. From intelligence gathered from Damiri, we ascertained that these shots were fired by TNI soldiers who were not satisfied with the results of the poll. The majority of these disgruntled soldiers were native-born to East Timor, including soldiers from the 744 Battalion and the local military district command. I was disturbed by this situation and I was thinking hard to find the best way to curb their emotional outburst. I strongly condemned their anarchic actions, but I understood their anger. These were soldiers

*who had risked everything they had and when they were defeated they felt their sacrifice had been made in vain by the 'shortcut' policy of President Habibie; they had to leave their houses, livestock and other painstakingly obtained belongings, setting aside their small salaries. Disappointment and emotional shocks were unavoidable and should be understood as human.*²⁰¹

Robinson detailed some of the atrocities in detail district by district.

*The principal crimes committed in East Timor in 1999 included extra-judicial killing, torture and ill-treatment, sexual violence, forcible transfer of population, and destruction of property. These acts infringed a wide range of fundamental human rights recognized in international law, including the right to life, the right to personal security, the right to physical integrity, freedom of thought, freedom of association, and the right to own or hold property.*²⁰²

Section 2: The pebble creates ripples

On 6 September, Australian Prime Minister Howard sought a U.S. military commitment to an international peacekeeping force. This was declined by President Clinton, citing existing military commitments in the Balkans. Henry quotes Howard as saying: it really brought home to me how much of a peace dividend they had taken out of the end of the Cold War...we all felt a bit sort of alone on it ... it was a surprise when he said no to boots on the ground.²⁰³

On 7 September Foreign Minister Downer was criticised by U.S. Secretary of State Madeline Albright when he publicly berated the U.S. for not supporting peace efforts in East Timor. This was further compounded by a comparison made by U.S. National Security Adviser Sandy Berger between the situation facing Australia in relation to East Timor, and his daughter's messy bedroom. On 8 September President Clinton rang Prime Minister Howard and committed the symbolic support to the international peacekeeping force, which would be called the International Force for East Timor (INTERFET). This was announced at the APEC Meeting being held in Auckland New Zealand. The dynamics of this are a demonstration of real politik.

APEC meeting and the United States

The security situation broke down in the post-ballot period, due to a foreseeable flaw in the security agreement. Placing POLRI in charge of security, working against what the TNI clearly saw as the national interest of Indonesia, was a miscalculation by the framers of the Agreement

²⁰¹ Syanahkri in Blaxland, J. (ed) (2015). *East Timor intervention: A Retrospective on INTERFET*. Carlton, Victoria, Australia: Melbourne University Press, pp. 185–186.

²⁰² Robinson extensively documented the extent of the carnage and the damage: Please see Robinson, G, (2003) *East Timor 1999: Crimes against Humanity: A Report Commissioned by the United Nations Office of the High Commissioner for Human Rights (OHCHR)*: University of California Los Angeles, July 2003, Chapter 3.

²⁰³ Henry, I (2013) *Playing Second Fiddle on the Road to INTERFET: Australia's East Timor Policy Throughout 1999*. <https://www.regionalsecurity.org.au/Resources/Files/SC9-1Henry.pdf>. p. 22.

under which the UN was deployed. At an APEC meeting in New Zealand, by 10 September 1999, the Australian government was able to convince regional powers, including the United States that some intervention was required. International pressure, led by the U.S. was brought to bear upon the government of Indonesia to halt the violence and to acquiesce to calls for a peacekeeping force.

*The Indonesian government was reluctant to grant consent to what some prominent figures saw as an unwarranted interference in its domestic affairs. To break the deadlock, the U.S. threatened to veto the extension of World Bank loans to Indonesia unless it relented. In the wake of the Asian financial crisis (1997), the denial would have crippled the Indonesian economy. The Indonesian government yielded and consented to the deployment of the Australian-led INTERFET force.*²⁰⁴

As Maley stated in 2000:

*It is notable that the decision of the Indonesian Government, on 12 September 1999 to accept the deployment of INTERFET came immediately after the postponement of the visit to Indonesia of an International Monetary Fund (IMF) delegation. Had the deployment not been accepted, the rupiah would almost certainly have 'melted down' in the foreign exchanges when next they opened for trading.*²⁰⁵

On 9 September, U.S. President Bill Clinton said:

The Indonesian government and military are responsible for the safety of the East Timorese and of the UN mission there. If Indonesia does not end the violence, it must invite, it must invite the international community to assist in restoring security. It must allow international relief agencies to help people on the ground. It must move forward with a transition to independence. Having allowed the vote and gotten such a clear, unambiguous answer, we cannot have a reversal of course here.

*It would be a pity if the Indonesian recovery were crashed by this but, one way or the other, it will be crashed by this if they don't fix it. Because there will be overwhelming public sentiment to stop the international economic co-operation. But quite to the side of that, nobody is going to want to continue to invest there if they're allowing this sort of travesty to go on.*²⁰⁶

INTERFET

This was an about turn by the United States, which had previously indicated lukewarm enthusiasm for involvement in East Timor. The Indonesian Government was faced with an unattractive proposition of an economic meltdown. Thus preparations began in earnest for the military deployment of INTERFET, which was to be Australian-led. As a result the deployment of

²⁰⁴ Bellamy, A. (2009) *Responsibility to Protect: The Global Effort to End Mass Atrocities*. Polity Press Cambridge, p. 148.

²⁰⁵ Maley, W. (2000) *Australia and the East Timor Crisis: Some Critical Comments*, Australian Journal of International Affairs, Vol. 54, No. 2, 2000, Footnote 4, p. 58.

²⁰⁶ *Clinton tells Indonesia: stop the killing or become pariah*. Independent 9 September 1999.<http://www.independent.co.uk/news/clinton-tells-indonesia-stop-the-killing-or-become-pariah-1117450.html>

INTERFET was unopposed. In fact an amicable agreement between the commanders of the Australian and Indonesian forces was reached, which minimised any prospect of violence breaking out. On 16 September 1999 the Indonesian government formally requested the Australian-led, multinational force INTERFET to take over responsibility for security in East Timor. Indonesian General Syanahkri stated:

*On 19 September Major General Peter Cosgrove, INTERFET Commander, arrived in Dili, accompanied by his deputy, Major General Sogkiti Jaggabatara from Thailand, as well as some of his staff. I greeted him at the airport and from there we toured the city of Dili, and then travelled to the Korem's headquarters which was used also as the martial law headquarters. We discussed the situation in East Timor, as well as the technical plans of the INTERFET landing. In the afternoon, General Cosgrove and his entourage flew back to Darwin. I thought the day of his arrival was intended to assure the smooth landing process of INTERFET.*²⁰⁷

The Australian military commander of INTERFET, General Sir Peter Cosgrove, states:

There was significant disenchantment between Australia and Indonesia in September 1999, and no matter the reason or the validity of that disenchantment, it was very important for the future of our relationship that we worked very hard and keenly to focus on avoiding friction and exhibiting goodwill. The best place to do this was literally 'from the ground up'-our Australian attaches started this during the evacuation operations out of East Timor earlier in September.

*'General Kiki and I embarked on this process when we met in Dili for the first time. We met there virtually daily thereafter when I was being burnt in effigy in Jakarta, in Dili he and I would be discussing issues of local security and military de-confliction over coffee in a professional and amiable way.'*²⁰⁸

Syanahkri continued in defence of Indonesian actions or inaction in the post ballot violence:

*Unfortunately, allegations of human rights violations against the TNI during the assignment in East Timor, particularly following the ballot of September 1999, have continued to this today. In our view, these allegations are very tendentious and unfair. It was true that during the process of public polling, especially after the results were announced on 4 September, there was widespread violence, but the reported number of casualties was exaggerated. We admit that there was a failure of security handling after the public polling, but this was due to unfair implementation conducted by UNAMET. So it was not fair if Indonesia should be said to be solely responsible for the violence that occurred in the post public polling. UNAMET must also carry some of the responsibility.*²⁰⁹

There are some commentators who regard UNAMET as a failure which required military intervention. While there is some merit in this if viewed through an exclusively military security lens, there are other more tangible and longer-term results for the ballot, as Hess (2015) observed:

²⁰⁷ Syanahkri, in Blaxland, J. (ed) 2015, p. 188.

²⁰⁸ Cosgrove quoted in Blaxland. (ed) 2015, p. 108.

²⁰⁹ Syanahkri, in Blaxland, J (ed) (2015), p.189.

*The cost for the East Timorese people was very high, in terms of post-ballot casualties, and it is they who should be the ultimate arbiters of whether the sacrifice involved in conducting the ballot was worth it or not.*²¹⁰

Xanana Gusmao, who was such an instrumental influence in the political destiny of East Timor wrote:

Our independence referendum was an uplifting event for our people that brought the promise of self-determination after many years of struggle. While we knew the wishes in the hearts of our people, we also knew best the situation on the ground in our country and the risks of a vote for independence. On 30 August the Timorese people came out to vote in a collective act of courage and determination. The referendum had a turnout rate of 98.6 per cent and 78.5 per cent voted for independence. The Timorese people had achieved what so many had told us was no more than a dream.

*Today, the referendum stands as testament to the bravery and dignity of our people. We knew that a vote for independence would provoke vengeance and retaliation. After the result was announced on 4 September, widespread violence broke out, spreading across our country. People were killed as a scorched-earth campaign of destruction was carried out, leaving most of our country in ruins. This was a bittersweet moment for our people as our joy turned to despair. Just as our dreams of freedom were becoming a reality we faced further brutality and fear. Our people were desperate. We were not certain if the international community would intervene with peacekeeping force, so desperately needed.*²¹¹

Australia blamed for rebellion in East Timor

Despite the miscalculation by their own President, many Indonesians, including the TNI and their proxy groups, the militia, blamed Australia generally, and Prime Minister Howard specifically, for fomenting what they saw as rebellion in East Timor. One need only consider the initial approach by letter from Mr Howard to President Habibie, to realise that this is an erroneous viewpoint. Officially there appeared to be a difference of opinion between defence officials and foreign affairs officials. Defence appeared to be ambivalent about the East Timor issue, and Foreign Affairs appeared to hold an opinion which some commentators have attributed to the 'pro-Jakarta Lobby'.

*It is important to stress here that, as Howard wrote to Habibie, East Timor's continued incorporation into Indonesia was clearly Australia's firm preference in late 1998 and early 1999. Canberra remained convinced by the arguments that had shaped policy since 1975, reinforced by a growing concern that an independent East Timor would be economically unviable and politically unstable, and thus a liability to regional security for which Australia would have to take prime responsibility.*²¹²

Whether this difference of opinion between the two major departments responsible for the Australia/Indonesia relationship on the one hand, and the security implications on the other, was known to AFP executives upon deployment is a moot point. The fact is that militia groups, under

²¹⁰ Hess, M, in Blaxland, J (ed) (2015), p. 67.

²¹¹ Gusmao, in Blaxland (ed) 2015 pp. 258–259.

²¹² White, H. (2008) *The Road to INTERFET: Reflections on Australian Strategic Decisions Concerning East Timor, December 1998-September 1999*, p. 73.

<https://www.regionalsecurity.org.au/Resources/Files/vol4no1White.pdf>

the auspices of the Indonesian military were becoming increasingly active in the province, and that some in the Australian intelligence community knew of this fact.

The AFP was deployed in lieu of an international military force because the Australian military was an unacceptable option to the Indonesians. An overwhelming percentage of the East Timorese population were registered to vote and they passed an emphatic expression of their own political will. This was an electoral success, and a powerful expression of a political will which many in the west take for granted. However, it was a security and diplomatic failure. According to White:

Australia had four key policy objectives in relation to East Timor:

- *East Timor should remain part of Indonesia;*
- *The relationship with Indonesia was more important to Australia than the future of East Timor, so that we should avoid outcomes which damaged or jeopardised that relationship;*
- *The relationship with TNI was especially important, because of its expected role in Indonesia's political future, so special care should be taken to protect that relationship.*
- *We should avoid having to deploy a large Australian Defence Force (ADF) contingent to East Timor if at all possible.*²¹³

White concluded:

*On the one hand, the Howard Government and its supporters see Australia having taken a morally principled decision to liberate East Timor, and managed a strategically adroit campaign to bring that about, so entitling Australia to claim a large share of the credit for East Timor's independence. The Government's detractors on the other hand argue that Canberra wilfully ignored the clear and growing threat of militia and TNI violence against the East Timorese in order to placate or appease Jakarta, and thus bears a heavy responsibility for the tragedies of September 1999.*²¹⁴

These assessments appear fair if viewed solely through an Australian Government policy prism. There are however, other aspects and perspectives that must be considered. Chief among them are the opinions of the East Timorese themselves, who resoundingly expressed their will in relation to their own political destiny in the second half of 1999.

Peacekeeping and elections

Elections have been at the centre of many peacekeeping operations. They can represent new beginnings for conflict-ridden countries, as they decide their political destinies, but in the process they can also create disruption and danger for the voting public. This was certainly the case in East Timor in 1999. Peacekeepers can help to create an environment in which fair elections can

²¹³ White, H. (2008), pp. 74–75.

²¹⁴ White, H. (2008), p. 85.

take place, but elections by themselves will not solve all a country's problems. They are the beginning of a process where societal consensus, rather than political direction, set the agenda. This is not always perfect but even an imperfect democracy is better than a future in which power comes through force.

A group of 280 unarmed UN Civilian Police, which included 52 members of the AFP, played a significant role in creating the environment in which the East Timorese could make their own choice in their political destiny.²¹⁵

According to Xanana Gusmao:

*Freedom is not won easily ... In 1999, 280 civilian police and 50 military liaison officers came to East Timor as the uniformed contingent of UNAMET (the United Nations Mission in East Timor) and provided the infrastructure support for the historic 30 August poll to take place. The poll was organised and administered by the United Nations, supported by hundreds of UN volunteers from all corners of the globe... The important role of these UN staff has been largely overlooked, their presence being replaced by INTERFET military troops, brought in to restore civil order after the devastation caused by the militias. The violence, deaths and absolute destruction that followed the poll were tragic for a small nation, but without the presence of the UNAMET police and military advisers the poll may never have occurred... Unarmed and against great odds, they stood up to the militias, who used threats and physical attacks, to try and force them to leave East Timor and therefore prevent the poll happening. That the UN men and women stayed until the poll is an indication of their individual courage and commitment to the cause for freedom they were supporting.*²¹⁶

The UNAMET Mission commenced what was to be an engagement with East Timor, later to be the independent nation of Timor Leste which lasted two decades. Commencing in 1999 with UNAMET, with an executive policing role under the auspices of the UN, with the UN Transitional Authority East Timor (UNTAET), the UN Mission in Support of East Timor (UNMISSET), the UN Office in East Timor (UNOTIL), the UN Mission in East Timor (UNMIT), as well as with Operation Serene in 2006 and Operation Comity in 2008, plus the bilateral police training mission known as Timor Leste Police Development Program (TLTDP), AFP engagement with East Timor is scheduled to finish in mid-2018.

Section 3: Transition – Past to present

One of the primary drivers of policing and diplomacy is political prioritisation. This is dependent on political will. Despite the strict adherence to the separation of powers between government policy and police best practice, and the determination on the part of police to maintain this

²¹⁵ The 52 AFP members who deployed to UNAMET were awarded a *Group Bravery Citation* by the Governor General in 2001. A copy of this Citation is provided at Appendix C. Noteworthy is the mention of the 'protection of the civilian population' well before this was formally adopted by the UN as a thematic.

²¹⁶ Gusmao, X. (2001) quoted in Savage, D (2001) pp. i–ii.

separation, there are occasions where policy rather than law determines police actions. This was the case with East Timor, both with the initial AFP involvement as part of UNAMET and the resultant Australian-led international military engagement known as INTERFET.

Both of these combined, created some serious foreign policy difficulties for Australian-Indonesian relations, among them the raising of Australia as a 'legitimate' target in the eyes of al Qaeda, with Osama bin Laden stating that East Timor, as a part of the predominately Islamic nation of Indonesia, had been illegitimately excised via western and UN machinations, and was thus an attack on Islam. This despite the fact that as a legacy of its Portuguese colonial antecedents, East Timor was, and remains an overwhelmingly Catholic population, which was one of the factors underlying the problems between the Indonesian administration and the local people. There was truly a clash of cultures.

Indonesia: Counter terrorism and the AFP liaison network

This period coincided with the rise of militant Islam in the Middle East, Afghanistan and Iraq, and in other parts of the world including South East Asia, as former Mujahedeen fighters returned to their home countries from Jihad in Afghanistan, after defeating the Soviet Union in the late 1980s. They regrouped in their home countries, including Indonesia, and became a threat both internally and externally, to the fledgling democracy, following the demise of the Suharto Government in 1998.

The work undertaken by the AFP Liaison Officers based in Jakarta, in developing sound, productive and congenial relationships with members of the Indonesian National Police in the period following UNAMET and INTERFET in late 1999, was extraordinary, and serves as a demonstration of effective diplomacy par excellence. One influential commentator stated that this was 'a police-led recovery' of the relationship between Canberra and Jakarta. The police to police relationship between the AFP and INP endures, and has survived the political ebb and flow which occurs regularly at the political level over a number of contentious issues, ranging from asylum seekers, to live cattle exports and the execution of convicted drug dealers.

Underwriting the effectiveness of this work was the recognition amongst police that their mutual interests were best served by cooperation and even collaboration in serving the law and community safety, despite adverse political discourse. It has been stated previously that unlike other foreign policy actors, foreign affairs officials or military institutions and individuals, police perform best when they cooperate rather than compete with their foreign counterparts. This will be discussed more fully in the following chapter.

The 911 attacks, Prime Minister Howard and the AFP close protection team

The rise of militant political Islam manifested itself in its most dramatic way, with the attacks on the World Trade Centre and the Pentagon by hijacked civilian aircraft on 11 September 2001. The Australian Prime Minister was on an official visit to the United States at the time and was in Washington DC at the time of the attacks. In fact, he was giving a press briefing at the Willard Hotel, next to the White House when a plume of smoke became visible from the site where a plane flew into the Pentagon.

Initial advice had been that an aircraft had collided with the World Trade Centre in New York City. News emerged that it was a hijacked commercial aircraft and a deliberate attack. As always Prime Minister Howard was accompanied by an AFP Close Personal Protection (CPP) team which, although it did not have any ability to perform actual security itself, was in close contact with the US Secret Service, which had primary jurisdiction for the protection of visiting dignitaries, including heads of government such as Prime Minister Howard.

Alarm rose among the U.S. Secret Service and the AFP CPP Team when news of the second commercial aircraft which was deliberately flown into the World Trade Centre in New York City. Further information was received that another plane was still in the air and was headed for the White House. This was United Airlines flight 93, which was downed in a field in Pennsylvania, thanks to the brave efforts of the passengers aboard, who fought the hijackers, foiling their attempt to reach Washington DC, by forcing the aircraft down into a field. Upon hearing of the potential targeting of the White House, the close proximity of the Willard Hotel to the White House caused an immediate evacuation and relocation to an agreed location at the Australian Embassy where the party remained.

The long flight home

It should be noted that PM Howard was accompanied on this visit by his wife Jeanette and one of his sons, but that they were located in another part of Washington. Being reunited with his family was a priority for PM Howard and this was accomplished by both U.S. Secret Service and AFP CPP, much to the PM's relief. Despite an option to depart immediately for Australia, PM Howard was determined to remain in Washington. The Australian government was offered the use of the Vice President's Boeing 747 (Air Force Two), but Prime Minister Howard declined the offer, preferring to focus on the western coalition and any role Australia could play in supporting this coalition.

The day following the attacks, on 12 September, PM Howard attended a church service and then attended a Joint Sitting of Congress, where he had originally been scheduled to provide an address. His attendance was acknowledged by the Speaker of the House of Representatives and

he received a standing ovation which lasted a full five minutes. Eventually, late on 12 September, PM Howard decided it was time to depart the United States for Australia. The offer of Air Force Two still stood and was accepted. Aside from US Air Force military aircraft, this flight direct from Washington DC to Hickham Air Force Base in Hawaii, was the only other aircraft flying across US air space.

The Australian party aboard this aircraft consisted of about 14 people, including the AFP CPP Team and Team Leader. During the flight, unsurprisingly, several people had some difficulty sleeping and thus began wandering about the aircraft. Among these were the AFP CPP Team Leader and the Prime Minister. Naturally they fell into a conversation, where PM Howard foreshadowed some of the challenges faced by Australia within the western alliance, and sought advice from the AFP CPP Team Leader about what role the AFP could play in this, and what resources it would require.

Prime Minister Howard and the 911 attacks

This experience gave PM Howard an early and graphic first-hand perspective of the new security threats which faced the social cohesion and prosperity western world. This included the value of a well-resourced and supported intelligence and policing framework and the role it can play as a major part in countering and mitigating these threats. The following year, on 12 June 2002, Prime Minister Howard returned to the United States, and addressed a Joint Sitting of the U.S. Congress. In this address, he stated:

The ANZUS Treaty of 1951 pledged each country to come to the aid of the other if it were under attack. And so it was that in a US Airforce plane made available for my return to Australia on 12 September and high above the Pacific that I informed the US Ambassador Tom Schieffer travelling with me our intention was that, for the first time in its fifty year history, Australia would invoke the ANZUS Treaty. America was under attack. Australia was immediately there to help.²¹⁷

Hence Australia's involvement in Iraq and Afghanistan. He also spoke of Australian involvement in East Timor by stating: 'Australia is proud of its leadership role in East Timor in gaining for a people so long oppressed the freedom and democracy available to our own citizens', which as has been mentioned, caused a significant degree of political difficulty between Canberra and Jakarta.

East Timor and global jihad

The AFP was instrumental in the East Timor situation in 1999 and onwards in various capacities for almost two decades. The AFP became involved in assisting with the Iraq effort by providing

²¹⁷ Transcript of the Prime Minister the Hon. John Howard MP *Address to Joint Meeting of the U.S. Congress* 12 June 2002. <https://pmtranscripts.pmc.gov.au/release/transcript-12906>

police trainers to a U.S.-led facility in Jordan. The AFP also became involved in the troubled nation in Afghanistan between 2007 and 2014.

The 911 attacks changed the world and in particular, the demeanour of the United States, and resulted in military interventions in other parts of the world, including Afghanistan, which also resulted in Australian Defence Force and later AFP members being deployed to that country between 2007 and 2013. As will be discussed in the next chapter, Australia was to experience Islamic terrorism very close to its shores in 2002 when several bombs were detonated on the Indonesian island of Bali. It was this situation that built upon the police to police relationship between the AFP and the Indonesian National Police. This was to prove to be extremely significant for later regional police engagement. This was the environment in which Australia, and the AFP entered the Third Millennium which will be discussed in the following chapter.

Is this diplomacy by default?

The period spanning the millennium from the UNAMET and INTERFET deployments, involving Australia, Indonesia and the people of East Timor, to the September 11 attacks which caused Prime Minister Howard to invoke the ANZUS Treaty, was a watershed period for the AFP, and created a seismic shift in the way in which it was perceived by the Australian Government of the day. All of Meyers' diplomatic qualities of '*a quick mind, a hard head, a strong stomach, a warm smile and a cold eye*', were applied to various degree by the AFP and its members throughout this period. With the best of intentions, AFP regional engagement in a UN mission, ignited a situation which involved regional and global dynamics, which sparked the deployment of AFP members in response to a mass casualty event, killing over 200 people including 88 Australians. Coupled with the U.S., Australia, and the AFP was thrust into the world of global violent extremism. A silver lining to arise from this, was the enhanced relationship between the AFP and the Indonesian National Police, in common endeavours such as narcotics trafficking, people smuggling and counter-terrorism efforts. This provided the impetus for further expansion of AFP networks throughout the South East Asian region, in furtherance of addressing transnational criminal activity, which in itself, supports the assertion that the AFP, as an international actor, is achieving practical 'diplomacy by default'.

This is further reinforced when one considers the fact that it was the efforts of 52 unarmed AFP members alongside their international police counterparts, which created a security presence, of such sufficiency, to provide the people of East Timor the opportunity to register and vote in large numbers, and in such a way as to pave the way for their ultimate independence from Indonesia. This involved all of the qualities listed by Copeland and Meyer, all of the activities, communication and negotiation, as well as representation and the replication of international society listed by Jonsson and Hall, and was a form of vertical and horizontal relationships on the

ground in accordance with the views advanced by Slaughter. There is arguably no higher claim to international diplomacy than active participation in the creation of a new nation. It is submitted that the East Timor deployments alone justifies the assertion that the AFP and its members are 'Diplomats by Default'.

Summary and conclusion

When Prime Minister Howard sent his letter to Indonesian President Habibie in December 1998, it set in motion a series of decisions and events over which Australia had no control. The result was a hastily created UN-sponsored ballot process, with a severely flawed security agreement. The AFP was called upon in lieu of the ADF, which was deemed as unacceptable by the Indonesian Government. The UNAMET mission has been viewed as a failure due to the post-ballot violence which erupted as a consequence of the ballot result. This resulted in an emphatic statement by U.S. President Clinton, which in no uncertain terms, informed the Indonesian Government that the consequences of a failure to halt the violence would be severe. This allowed a relatively permissive, non-contested environment for the Australian-led military intervention, known as INTERFET, to deploy and restore stability. The impact of both UNAMET and INTERFET emboldened Osama bin Laden and al Qaeda to regard Australia as a 'crusader' nation, and its citizens and interests to therefore be legitimate targets for violent action. This was not to manifest itself until 2002, when bombs exploded in Bali killing over 200 people including 88 Australians. Between the East Timor interventions in 1999, and the Bali bombings in 2002, al Qaeda attacked New York and Washington killing over 3000 people. This resulted in U.S. President Bush, putting all nations on notice, that unless they were with the United States, they were against it and with the terrorists. Coming so close on the heels of President Clinton's warning to Indonesia, the Indonesian Government had a decision to make. Fortunately it decided to side with the U.S. which paved the way for an enhancement of the AFP-INP relationship. This relationship was to be given further impetus in the immediate aftermath of the Bali bombing in 2002 and the response to the 2004 Boxing Day Tsunami. It is a relationship which endures to this day and in fact it was Indonesian sponsorship which allowed Australia to be a dialogue partner in ASEANAPOL in 2007.

Chapter 4: The 'Arc of Instability' in the Face of Global Challenges

Overview

The concept of an 'Arc of Instability' to Australia's north, has its roots in the perspective that Australia's main strategic priorities lie in its immediate neighbourhood. The way in which disrupted, unstable, or fragile Pacific states, pose a risk to Australia, particularly if they fall under influences inimical to Australia's interests, or those of the broader western alliance is discussed. Such threats need not necessarily be foreign powers, using military force, but can take the form of malign-non-state actors such as organised crime groups, or violent extremists, unduly or unlawfully imposing their will, to the detriment and peace of the communities concerned.

The underlying challenges need not be external, or visible but can often be internal and largely unseen, in the form of political corruption and social breakdown, creating an erosion of host-nation institutional trust, to the extent that international intervention is required. A number of these nations in Australia's neighbourhood are recipients of Australian foreign aid funding. History shows that the expectation in this region, is that it is Australia which will shoulder the burden of such interventions. There is an economic cost associated with such interventions, and the Australian taxpayer should quite justifiably expect that Australian taxes, so allocated, are being spent wisely and appropriately.



Figure 6. Map of South East Asia

Source: Mapsworld.com

Section 1: Indonesia

On 20 September 2001, nine days after the attacks on New York and Washington, on 11 September 2001, US President Bush delivered an address to a *Joint Session of Congress, and the American People*, at the United States Capitol in Washington. He stated that the U.S. was:

...a country awakened to danger and called to defend freedom. Our grief has turned to anger, and anger to resolution. Whether we bring our enemies to justice, or bring justice to our enemies, justice will be done.

Our war on terror begins with al Qaeda, but it does not end there. It will not end until every terrorist group of global reach has been found, stopped and defeated... We will direct every resource at our command—every means of diplomacy, every tool of intelligence, every instrument of law enforcement, every financial influence, and every necessary weapon of war— to the disruption and to the defeat of the global terror network.

*Every nation, in every region, now has a decision to make. Either you are with us, or you are with the terrorists. From this day forward, any nation that continues to harbor or support terrorism will be regarded by the United States as a hostile regime.*²¹⁸

Following so briefly after US President Clinton threatened to melt down the Indonesian economy, if the Indonesian Government failed to allow an international peacekeeping force into East Timor in late September 1999, the intent behind President Bush's words, and the ability to deliver on them, would not have been lost on the Indonesian Government. This softened the ground for improved AFP-INP relationships.

As discussed earlier, Australian governance evolved from an entirely different historical and cultural base from the majority of its neighbours in the region. It is difficult to think of an example, where such differences exist between neighbours, than those which exist between the Commonwealth of Australia and the Republic of Indonesia. There is no common language, culture, history, or ethnicity. There has been on occasion, a fractious diplomatic relationship, influenced largely by politics, and a degree of mutual distrust and misunderstanding. A series of events in which police to police relationships, based on mutual respect, and a shared responsibility to cooperate, in the face of a growing Islamist threat in the region, played a significant role in improving the government to government relationship, through the police.

Indonesia is the world's largest Muslim majority country, with an island chain extending from Aceh, which has a sea border with the Indian Nicobar and Andaman Islands, to Papua New Guinea, with which it shares a land border. Indonesia also has a land border with the Malaysian states of Sabah and Sarawak on the island of Borneo, and common archipelagic concerns with the southern Philippines. It is the most populous country in South East Asia, and controls the sea-

²¹⁸ President George, W. Bush, 2001, *Address to a Joint Session of Congress and the American People*, September 20, 2001. <https://georgewbush-whitehouse.archives.gov/news/releases/2001/09/20010920-8.html>

lanes, through which the bulk of Australian trade and commerce transits, to markets deeper into Asia, and through which much of Australia's imports, including oil, travel. Indonesia is a founding member of the *Association of South East Asian Nations* (ASEAN), formed in 1967, as a bulwark to the southern expansion of communism at the height of the Cold War. It is a highly influential, and strategically placed nation, which links Asia to the Pacific.

The health of the Australian-Indonesian relationship is of very high significance to Australian interests. As discussed in the section relating to East Timor, there has been strong bi-partisan political support for this relationship, as well as support by those in academic and senior levels of the public sector, referred to colloquially as the 'Jakarta Lobby'. Despite some political differences both permanent and short-term, the AFP has managed to establish, nurture, and maintain, a close and effective working relationship, with its Indonesian counterpart organisation, the Indonesian National Police (INP). The result has been to the betterment of each other's respective communities, and to the broader improvement of government to government relations generally. This relationship is a good example of cooperation in the face of common threats.

The relationship between the AFP and INP

The Indonesian National Police (INP) is sometimes referred to as the Police of the Republic of Indonesia (POLRI). The AFP and INP have a formal relationship which pre-dates the events in East Timor in 1999. On 5 August 1997, the AFP and INP, signed a Memorandum of Understanding, concerning law enforcement issues of mutual concern. At this signing an address by INP National Police Chief General Dibyo Widodo stated prophetically: *'...we have to be prepared to anticipate the type of crime that is likely to happen or else we'll be left behind to do too little too late.'*²¹⁹

At that time, Indonesian President Suharto, was still in power, and the police were still part of the Indonesian military. Although the police had operated as an autonomous agency in the immediate post-independence period in 1945, they were integrated into the military during the 1960s. As a result, the *capacity of the national police suffered as a result of its militarisation, where its responsibilities were limited to lower level crime and providing support to military-led internal security operations.*²²⁰

The Suharto years featured an authoritarian approach, and when he stepped down in 1998, there were calls for democratisation and security sector reform, including reform of the police, by

²¹⁹ AFP (1997). Platypus Magazine No. 57, 1997, p. 5.

²²⁰ Connery, D. Sambhi, N. and McKenzie, M. (2014) *A return on investment: The future of police cooperation between Australia and Indonesia*. Australian Strategic Policy Institute, p. 2.
<https://www.aspi.org.au/report/return-investment-future-police-cooperation-between-australia-and-indonesia>

separating it from its military structure. POLRI was formally separated from the military in April 1999, just before UNAMET deployed, which goes some way to explain some of the security issues experienced by the UNAMET mission in East Timor in 1999. The Indonesian Police lacked capacity and experience, and were simply outgunned by the Indonesian military and their militia proxies. The 2002 bombings in Bali, created an environment in which close cooperation between police, from all over the world, including Australia, despite their different cultural backgrounds, worked effectively in the pursuit of justice. This was a glimpse into the future potential for international police cooperation, where there is more which unites police than divides them.

UNAMET, INTERFET and the connection with global Jihad: 1999–2002

The previous chapter outlined the relationship difficulties created by the involvement of the UN in East Timor in 1999 in which significant numbers of AFP were engaged. One of the resulting global aspects of this intervention, particularly the Australian-led military intervention INTERFET, was the listing of Australia by Osama bin Laden, the leader of the emerging Islamic jihadist organisation al Qaeda, as a legitimate target. On 3 November 2001 the Qatar-based media network Al-Jazeera, broadcast a statement by bin Laden, which specifically identified Australians as ‘crusaders’. The British Broadcasting Corporation quoted him as follows:

Let us examine the stand of the West and the United Nations in the developments in Indonesia when they moved to divide the largest country in the Islamic world in terms of population. This criminal, Kofi Annan, was speaking publicly and putting pressure on the Indonesian government, telling it: You have 24 hours to divide and separate East Timor from Indonesia.

Otherwise, we will be forced to send in military forces to separate it by force. The crusader Australian forces were on Indonesian shores, and in fact they landed to separate East Timor, which is part of the Islamic world. Therefore, we should view events not as separate links, but as links in a long series of conspiracies, a war of annihilation in the true sense of the word.²²¹

The fact that he was factually incorrect, mattered little to those in Indonesia, who were eager to hear his message. He was incorrect in stating that East Timor was Islamic, when in fact, as has been discussed, it was a predominantly Catholic province, which was one of primary drivers behind its desire for independence from Muslim dominated Indonesia. He was also incorrect in stating that it was the UN Secretary General who directed Indonesia to separate itself from East Timor. In fact the dynamics were far more complex than this simple statement, but this was the message received by those in Indonesia, who were radicalising and who were not interested in the polemics of nuanced arguments. In October 2002, a network of these radicalised individuals

²²¹ BBC (2001) *Bin Laden rails against Crusaders and UN* (3 November 2001)
http://news.bbc.co.uk/2/hi/world/monitoring/media_reports/1636782.stm

set large bombs on the largely Hindu island of Bali, where western tourists, including Australians, holiday in large numbers.

Three explosions occurred on 12 October 2002, detonated by Islamic extremists known as Jemaah Islamiyah (JI). The bombs killed 202 people including 88 Australians. The response from Australia was immediate, and included significant numbers of AFP members. This was aided by the fact that a relationship had already developed between AFP Commissioner Mick Keelty and General Dai Bachtiar, the Chief of the Indonesian National Police Chief from 2001 to 2005. This relationship had been developed by effective liaison work by the AFP Liaison Officer in Jakarta immediately following the East Timor intervention. In this capacity, he managed to overcome some of the political static, and natural reluctance to engage, and arranged a meeting between the two police chiefs, which developed into an enduring friendship.

The personal relationship between Commissioner Keelty and Indonesian National Police representatives was long-standing, in particular the relationship with the INP commander in charge of the Bali bombing investigation, who had attended an AFP *Management of Serious Crime* (MOSC) course in Canberra in 1993. As McFarlane stated:

*The benefit of solid professional and personal friendships formed during the MOSC programs was clearly demonstrated in the aftermath of the first Bali bombing in 2002. The Indonesian police commander in charge of that investigation, Inspector General Drs I Madi Pastika, was a graduate of MOSC-5 in 1993, at which time one of his closest colleagues was Mick Keelty.*²²²

This is an example of effective police diplomacy at the senior level, which originated at the middle management level. In a reflection of the true nature of the combined efforts of AFP, INP and many others, the response to the Bali bombing in 2002 was named Operation Alliance. The AFP deployed specialist teams of investigators, intelligence analysts, bomb experts, post-blast analysts, search and rescue, forensic specialists, Disaster Victim Identification specialists, crime scene analysts and many others within a very short timeframe. They developed their own relationships, both professional and personal.

Islamic extremism in Indonesia

Due to its enormous diversity, both geographic and cultural, the Republic of Indonesia has experienced a number of separatist insurgencies, seeking greater autonomy, or even complete separation from the Jakarta-centred government, East Timor being arguably the most prominent example. Others include, Aceh and Irian Jaya at opposite ends of the Indonesian archipelago, with entirely different dynamics. These have been predominantly geographic in nature, as remote and discrete areas sought to move away from central control from Jakarta. Although not unknown in

²²² McFarlane, J. (2007). *The Thin Blue Line: The Strategic Role of the Australian Federal Police*. Security Challenges Volume 3 Number 3 (August 2007).

the post-1945 period, internal terrorism, based on ideology or religion, was not widely experienced. The post-Suharto era, where the authoritarian approach to internal security was effectively used to suppress such activity, was relaxed, witnessed an increase in internal, ideologically-based, primarily Islamic, violence, as *attacks and bombings against shopping centres and churches were perpetrated as expressions of anti-Christian and, later anti-Western sentiment.*²²³

The Australian Government National Security website states that the most notorious Islamic jihadist group in Indonesia is a Salafist group known as Jemaah Islamiyah (JI), which is inspired by the same ideology as al Qaeda. JI was formed in Malaysia on 1 January 1993, by radical Islamist clerics Abdullah Sungkar and Abu Bakar Bashir, and regards regional governments as illegitimate, including the Indonesian Government. It seeks to revive and install a 'pure' form of Islam, in an Islamic Caliphate, governed by the tenets of Sharia (Islamic law), across the region by force. This region includes Indonesia, Malaysia, Singapore, Brunei, southern Thailand and the southern Philippines, namely the original members of ASEAN.

It was members of JI who perpetrated the bombings in Bali in 2002 and 2005, as well as a campaign in Jakarta, with two bombings of the J.W. Marriot Hotel in 2003 and 2009, the Australian Embassy in 2004, and the Ritz-Carlton in 2009. JI has a network of about 50 religiously affiliated boarding schools (pesantren) which *continually works to inculcate future generations of Indonesian youths in this extreme form of Islam ...* The current membership is estimated to range between 900 and several thousand active members. Incarceration of JI members does not disincentive them, rather prisons ... *provide a further avenue for recruitment, as some JI members proselytise to fellow prisoners and visitors in efforts to recruit members.*²²⁴

JI remains connected to other radical Islamist organisations in the region, including Abu Sayef and the Moro Liberation front (MILF) in the southern Philippines, as well as radical organisations in the Middle East including al Qaeda. A number of JI members have travelled to Syria and Iraq under the auspices of Hilal Ahmar Society Indonesia (HASI), where they have formed affiliations with other extremist networks in the region. The seizure and siege in Malawi on Mindanao in the southern Philippines in 2017, and the resultant violence inspired by Islamic extremism, is an example of how potent this regional threat is.

The Australian Government first proscribed JI as a terrorist organisation on 27 October 2002, relisted on 1 September 2004, 26 August 2006, 9 August 2008, 22 July 2010 and 12 July 2013. It remains a proscribed organisation by the Governments of Australia, New Zealand, Canada, Britain and the United States. JI co-founder Abu Bakar Bashir, the Indonesian Islamic cleric who

²²³ Connery and Sambhi (2014), p. 4.

²²⁴ Australian National Security website.

<https://www.nationalsecurity.gov.au/Listedterroristorganisations/Pages/JemaahIslamiyahJI.aspx>

was charged and imprisoned for orchestrating the Bali bombings, as well as other bombings in Indonesia, directed against the Indonesian Government of Megawati Sukarnoputri. Six days after the bombings in Bali, he preached anti-western sentiments to the assembled media for the benefit of his followers in the mosque at Solo in Central Java:

*We reject all of your beliefs, we reject all of your ideologies, we reject all of your teachings on social issues, economics or beliefs. Between you and us there will forever be a ravine of hate and we will be enemies until you follow God's law.*²²⁵

The Bali bombing – 2002

This vitriolic hatred manifested itself with three explosions on 12 October 2002, deliberately targeting western holiday makers. The first bomb exploded at a bar called Paddy's Bar and was estimated to have involved between 500g and 1kg of TNT, and was placed in the bar by a suspected suicide bomber. Later crime scene examination revealed pieces of metal intended as shrapnel. Shortly after the explosion at Paddy's Bar, a much larger device was detonated in a van parked outside another bar, the Sari Club. It was estimated that there were more than 350 people in that location when the bomb went off.

*The force of the blast was strong enough to register on Indonesian seismic instruments. It is estimated that this was a lower velocity, high explosive bomb with an effective weight of between 50 and 150kg. It consisted of potassium chlorate, sulphur and aluminium, was placed in a van outside the club, and was possibly remote detonated by mobile phone.*²²⁶

A third bomb, estimated to involve between 500g and 1 kg of TNT, was detonated approximately 45 seconds later, close to the U.S. Consulate, about 10 km from the Sari Club and Paddy's Bar. It was believed to have been detonated remotely by mobile phone.

The bombings were reported by Federal Agent Paul McEwan, who was in Bali at the time, and immediately contacted the AFP in Canberra and reported as follows:

*He described seeing burning buildings, burning motor vehicles with occupants still inside and a relatively large crater in the street outside the Sari Club. He reported chaos, with people running from the scene and emergency services attempting to extinguish fires. He also advised that Paddy's Bar and the Sari Club were known to be frequented by Australian and other foreign tourists and that, because of the extent of the damage he could see, Australian casualties were likely to be significant.*²²⁷

The AFP had renewed its focus on terrorism in the post-911 period, and was therefore in a position to provide specialist and technical assistance very rapidly upon the request from Indonesia. This

²²⁵ Neighbour, S. (2005). *In the Shadow of Swords: On the Trail of Terrorism from Afghanistan to Australia*. Harper Collins Publishers, Australia, p. 2.

²²⁶ Australian Federal Police (2002) *Paradise Lost-Terror on our Doorstep*, Commissioner Keelty. AFP Platypus Magazine No 77 December 2002.

²²⁷ Australian Federal Police (2002) *Paradise Lost-Terror on our Doorstep* Commissioner Keelty. AFP Platypus Magazine No 77 December 2002, p. 4.

included investigative, administrative and forensic staff to assist the Indonesian National Police. The AFP contribution was part of a DFAT-led response which also involved members from other agencies and departments such as ASIO and the Australian Protective Service.

Eventually the range of Commonwealth Government agencies and departments was to involve: Prime Minister and Cabinet, Defence, the Australian Defence Force, Foreign Affairs and Trade, Australian Federal Police, Australian Protective Service, Immigration, Customs, Australian Security Intelligence Organisation, Health, Family and Community Services, Centrelink, Parliament House, Transport and regional Services, Emergency Management Australia, Treasury, Finance and AusAID. The speed of the Australian response is an example of what can be achieved if consideration has been given to contingency planning and preparation.

Within 24 hours: 20 government officials, nine DFAT and 14 AFP staff from Canberra and Jakarta on the ground in Bali. Operation headed by the Australian Embassy's Deputy Head of Mission from Jakarta. Staff placed at Denpasar International Airport to facilitate departure of Australians and arrival of victim's relatives.²²⁸

By the fourth day, 80 staff comprising pathologists, odontologists, radiologists, forensic experts and police were working on the case.²²⁹

These members enmeshed with the Indonesian National Police and other international police, and pursued a joint investigation to identify the perpetrators and bring them to justice. This was made much easier by the fact that for many years, the AFP and INP had been conducting joint investigations and had shared intelligence in relation to criminal activities, such as drug trafficking, money laundering, fraud, child sex tourism and people smuggling. It is through this sort of collaboration that personal and professional relationships, based on trust and mutual respect developed, and which formed the basis for Operation Alliance.

This cooperation and collaboration was not confined to AFP and INP as each Australian State and Territory provided personnel and resources. International investigators and specialists from the U.S. Federal Bureau of Investigation, the German Federal Police, the London Metropolitan Police Anti-Terrorist Branch, the New Zealand Police, and police from Japan, France, South Korea, Hong Kong, Taiwan and Sweden, also provided part of this international response. All of this took place in the sovereign nation of Indonesia, where international police, including the AFP had no legal sovereignty. A Background Paper by ASPI in 2014 provides an explanation of how this was short-circuited by the Indonesian Government. A joint operations agreement was formalised between both governments on 18 October which outlined the command arrangements and formalised the basis upon which Australian and later international participation was based

²²⁸ Australian Federal Police (2002) *Paradise Lost-Terror on our Doorstep* Commissioner Keelty. AFP Platypus Magazine No 77 December 2002, p. 4.

²²⁹ Australian Federal Police (2003) *Building Success of Professionalism* Commissioner Mick Keelty Platypus Magazine No 78 March 2003, *Operation Alliance*, Bali, p. 14.

under Operation Alliance. This streamlined much of the administrative and bureaucratic requirements to enable a whole of government and inter-agency approach to this incident.

While the Indonesian police, led by Brigadier General (Police) I Made Mangku Pastika, took the lead in the investigation, POLRI gave AFP unprecedented access to the crime scene and witnesses from the very beginning, and shared the task of analysing evidence in an open way. General Pastika worked closely with the lead AFP officer, Assistant Commissioner Graham Ashton, who said at the time:

*The dimension of the incident was such that a lot of the normal red tape-visa, quarantine clearances-were waived for us and that was an immediate sign from the Indonesian Government of their view of the importance of this issue. Since then, things have been fast-tracked-and continue to be fast-tracked. There is a whole-of-government approach to this and officials are co-operating elsewhere at a very high level.*²³⁰

Arrest of Amrozi

Examination of the chassis of the van used to bomb the Sari Club, revealed a chassis number. The original had been filed off, but in Bali a second number was required. It was this number which revealed that the van had been purchased by an individual named Amrozi, who was identified and arrested by INP. Upon questioning, Amrozi admitted that he had purchased the van and chemicals used to make the explosives, and had attended meetings where the bombings were discussed and planned. He also identified his accomplices as Samudra, Idris and Dulmatin.

Disaster victim identification

While the identification, arrest and interview of Amrozi was taking place, an extensive and painstaking Disaster Victim Identification (DVI) process was also occurring. DVI processes must comply with internationally recognised protocols, and a high degree of certainty is required before the remains of victims can be released to their relatives. The DVI process aims to accurately identify each victim by comparing and matching data available prior to death with post-mortem remains. This is done via a phased approach:

The first phase involves collecting ante-mortem information such as physical descriptions, photographs of possible clothing and jewellery, fingerprints and DNA samples. The second, or post-mortem information collection phase, involves detailed examination by pathologists, odontologists, radiologists, forensic experts and police of the victim's remains. The third and final phase is the reconciliation of the collected information.

²³⁰ Ashton quoted in Connery and Sambhi (2014).

*It is only through this process that certainty of identification can be guaranteed. This certainty is needed not only for the victim's families' peace of mind but also for other legal processes and procedures that follow death.*²³¹

Domestic response – Immediate

The AFP has had a presence at designated Australian international airports, and in each mainland capital city since 1979. At each state and territory headquarters, Darwin, Brisbane, Sydney, Melbourne, Adelaide and Perth, the AFP established Major Incident Rooms (MIRs), with direct connectivity to the National Incident Co-ordination Centre in Canberra. The MIR's and the existence of AFP members at Australian international airports was a vital link between an international mass casualty event, and its domestic implications, and sped up the flow of information and evidence.

Thus, arrangements were already in place for the reception and evidence collection from returning victims. As the then General Manager Counter Terrorism, Assistant Commissioner Ben McDevitt, stated: *'We needed to be able to capture whatever information those people had. We also needed to gather any forensic evidence they might actually be wearing, including residue from the explosives.'*²³² The efficacy of a national policing body, with representation in all mainland capitals and all international airports was a major factor in securing information and evidence, as by 0230 on 13 October, the first commercial charter flights began arriving at Australian airports, where passengers were interviewed, statements taken and physical evidence was collected. This resulted in statements being taken from passengers from 19 flights, over a two week period, and the collation of information from 7340 passenger questionnaires, which led to 450 relevant leads.²³³

Why police?

This response involved a great deal of contemporaneous activity, including the immediate response, forensic analysis, DVI, and follow up investigation. The incident involved a large number of victims from a wide range of countries.

Of the 202 people who died there were 88 Australians; two Brazilians; 22 British; two Canadians; three Danes; four Dutch; one Ecuadorian; four French; six Germans; one Greek; 38 Indonesians; four French; two Japanese; three New Zealanders; one Pole;

²³¹ Australian Federal Police (2003) *Building Success of Professionalism* Commissioner Mick Keelty Platypus Magazine No 78 March 2003, Operation Alliance, Bali, p. 14.

²³² McDevitt in Australian Federal Police (2003) *Building Success of Professionalism* Platypus Magazine No 78 March 2003, Operation Alliance, Bali, p. 6.

²³³ Australian Federal Police (2003) *Building Success of Professionalism* Platypus Magazine No 78 March 2003, Operation Alliance, Bali, p. 6.

*one Portuguese; two South Africans; two South Koreans; five Swedes; three Swiss; one Taiwanese; seven Americans and...three unidentified bodies.*²³⁴

The investigation was conducted in accordance with internationally accepted standards, at the actual crime scene and the follow-up co-ordination at Australian international airports, was greatly enhanced by the fact that the AFP was positioned nationally, and was thus prepared for such a contingency.

The existing relationship with INP and the coordination with a range of other police agencies, both on the ground at the crime scenes in Bali and in Australia, with all State and Territory police, as well as other stakeholders, provides an example of professional operational policing as an effective form of international diplomacy, with a direct link to the lives of ordinary citizens. It is this aspect of linking into the community, at the individual level, which is prominent among the features that distinguishes professional policing in terms of effective diplomacy. This is not an aspect of normal duties shared by other traditional international actors.

Police worldwide share certain features, which make them uniquely placed in terms of linking many aspects of contemporary affairs. They include, well-established relationships with the communities they serve, the authority to question, search, arrest suspects and seize material, well-established accountability measures, and the legal authority to use force if required, to enforce the extant law. There is thus an implicit understanding shared by all police officers worldwide, and an ability to cooperate, communicate and collaborate, particularly in times of crisis.

International policing

The bombing in Bali in October 2002, and the resultant *Operation Alliance*, were significant milestones in the evolution of the AFP as an international police agency. The credibility gained from such a rapid and comprehensive response, and the enhanced relationship with the Indonesian National Police, provided a foundation upon which a solid relationship continues to prosper. The respect for the 88 Australians killed in Bali on that night, is reflected in the fact that the INP named their special operations police unit, responsible for counter-terrorism activities, 'Detachment 88'. The AFP responded along three primary lines of effort. The first was the immediate response to the incident.

The first priority was to deal with the incident, which as discussed, was made much easier by the existence of personal relationships and mutual respect based on professionalism. The heightened sense of security resulting from the 911 attacks in the United States, and the Bali bombing in 2002, plus others which were to follow uncovered a number of home grown plots in Australia. The second was to further nurture the important relationship between the INP and the AFP, which

²³⁴ Australian Federal Police (2003) *Building Success of Professionalism* Platypus Magazine No 78 March 2003, Operation Alliance, Bali, p. 14.

despite the sometimes acrimonious political relationship, steers a steady course between mutually respected professional organisations. As AFP Commissioner Colvin stated in an address to the National Press Club in Canberra on 31 May 2017:

*Our relationship with the Indonesian National Police has for many years delivered outcomes that benefit both Australia and Indonesia's interests. This has been a resilient and continuous relationship despite the sometimes rocky diplomatic tensions between the Governments. Even more importantly, it has often been the catalyst for the broader bi-lateral relationship to come back on track.*²³⁵

The third was to acknowledge that Australia indeed existed in a highly volatile region, and that in its national policing body, the AFP, it had an asset which was multi-faceted and highly professional. As a direct result, in 2004, two significant developments occurred. The first was the creation of the Jakarta Centre for Law Enforcement Cooperation, discussed immediately below, and the second was the International Deployment Group, discussed in another section of the thesis. This approach emphasises the significance of the combined effect of cooperative police to police relationships, and all that can derive from them, as well as a recognition that police interventions, can provide an effective mechanism, by which social cohesion in societies where there is a breakdown in trust, can be restored, thereby addressing one of the precursors to violence.

Jakarta Centre for Law Enforcement Cooperation (JCLEC) 2004

The AFP maintains an International Liaison Officer network in many locations of interest to Australian law enforcement. The largest of these posts is in Indonesia with approximately 30 AFP personnel located in the Australian Embassy in Jakarta, in Bali and at the *Jakarta Centre for Law Enforcement Cooperation* (JCLEC), which is located within the *Indonesian National Police Academy* (AKPOL) in Semarang. It was established in November 2004 and is an initiative of both the Australian and Indonesian Governments, arising as a direct result of the Bali bombings.

The trusted relationship between the AFP and INP has also provided entre into regional police fora such as the Association of South East Asian Nations police conferences (ASEANAPOL). This has provided direct access to a highly diverse group of policing agencies, in a region which is vital to Australia's interests. This is one aspect of police diplomacy, involving close cooperation at the strategic and operational level, based on issues of mutual interest.

Government and academic partners

The long-term development goal of the JCLEC is to contribute to the enhancement of regional law enforcement capacity in managing multi-jurisdictional investigations. It is primarily an education and training institution, focussing on a cooperative relationship between Australian and

²³⁵ Colvin, A. (2017). *Address to the National Press Club* 31 May 2017. <https://www.afp.gov.au/news-media/media-releases/commissioner-colvin%E2%80%99s-national-press-club-address>

Indonesian police, as well as other regional police representatives, and is aimed at disrupting transnational crime and violent extremism is the Asia Pacific region. This includes: (1) professional law enforcement education; (2) exchange of information and intelligence; (3) international law enforcement education standards; (4) supremacy of the law.

JCLEC maintains relationships with the governments of Indonesia, Australia, Canada, New Zealand, Denmark, US Dept State Diplomatic Security Service, UNODC, INTERPOL, and the Centre for International Legal Cooperation (CILC). Over 15,000 students from 69 countries have participated in over 600 training experiences at JCLEC since it opened its doors. The bulk of these students are from POLRI, but around 20% of places are reserved for participants from other countries. The Centre also engages with non-police law enforcement agencies, including those with border security, anticorruption and judicial responsibilities.²³⁶

The establishment of JCLEC also maintains close affiliations with universities and other training centres in Australia and Indonesia, including the Australian Institute of Police Management (AIPM), Charles Sturt University and Griffith University in Australia. It also includes Indonesia's own police colleges, and Indonesian universities, including the University of Indonesia, Gajah Mada University and University of Diponegoro.

Another region in which Australia has had a long-term interest is the South West Pacific. However, the approach made by the AFP in this region, was totally different to that with Indonesia and South East Asia. The approach in this region was along the lines of police capacity development, commencing with a regional engagement in the troubled country to Australia's north east, the Solomon Islands. This is another aspect of police diplomacy based on 'boots on the ground' involvement which will be discussed in the following section.

²³⁶ Connery, D. Sambhi, N. and McKenzie, M. (2014) *A return on investment: The future of police cooperation between Australia and Indonesia*. Australian Strategic Policy Institute. <https://www.aspi.org.au/report/return-investment-future-police-cooperation-between-australia-and-indonesia>, p. 8.

Section 2: The regional assistance mission to the Solomon Islands

The intervention in East Timor, to Australia's north-west, from 1999 has been discussed in the context of mixed success, due to circumstances at the very inception in late 1998 and early 1999, which were largely out of the hands of the Australian Government. The next major 'boots on the ground' policing intervention involving the AFP, was in the Solomon Islands, to Australia's north east, commencing in 2003. It involved many lessons learned from the East Timor intervention in the preceding years. This was especially so in relation to a strong security posture, and maximum Australian Government control over the planning and implementation of the intervention.

It was recognised by the Australian Government, that a preventive strategy in the greater Pacific was an approach which would benefit both the local communities by better policing, and Australia as a donor, by better relationships with more capable local police. According to Byrnes '*Law and justice assistance became a foreign policy and development priority during the first decade of the 2000s, against a strategic backdrop of state fragility in our region.*'²³⁷

The result has been better police to police relationships between the AFP and host nation police in the Pacific, thus contributing to the AFP mandate of fighting, or at least deterring, crime off shore or at its source. From an operational policing perspective, the ultimate aim of such police interventions, should be for a strong, reliable trust based police to police relationship. This is different to the relationship police have with their own communities, which is their own form of social contract. From a community and host government perspective, the relationships between the host government and the community should ideally be trust-based and culturally appropriate. Hence, the Australian government made some considered decisions when deploying police in the troubled South West Pacific nation of the Solomon Islands.

The first and largest police mission in the Pacific, was the Regional Assistance Mission in the Solomon Islands (RAMSI) which was established in 2003, despite some reticence by senior politicians and their departmental advisers. It was Prime Minister John Howard who was the driving force behind the establishment of the RAMSI intervention, based on a renewed assertiveness, and well-founded confidence in the two primary arms of international intervention, the diplomats and the military, as well as in the '*third force*', the police, in the person of the AFP, whose members had acquitted themselves well in East Timor.

²³⁷ Byrnes, J. quoted in Frame, T (ed). (2017). *The Long Road: Australia's Train, Advise and Assist Missions* Sydney: University of New South Wales Press.

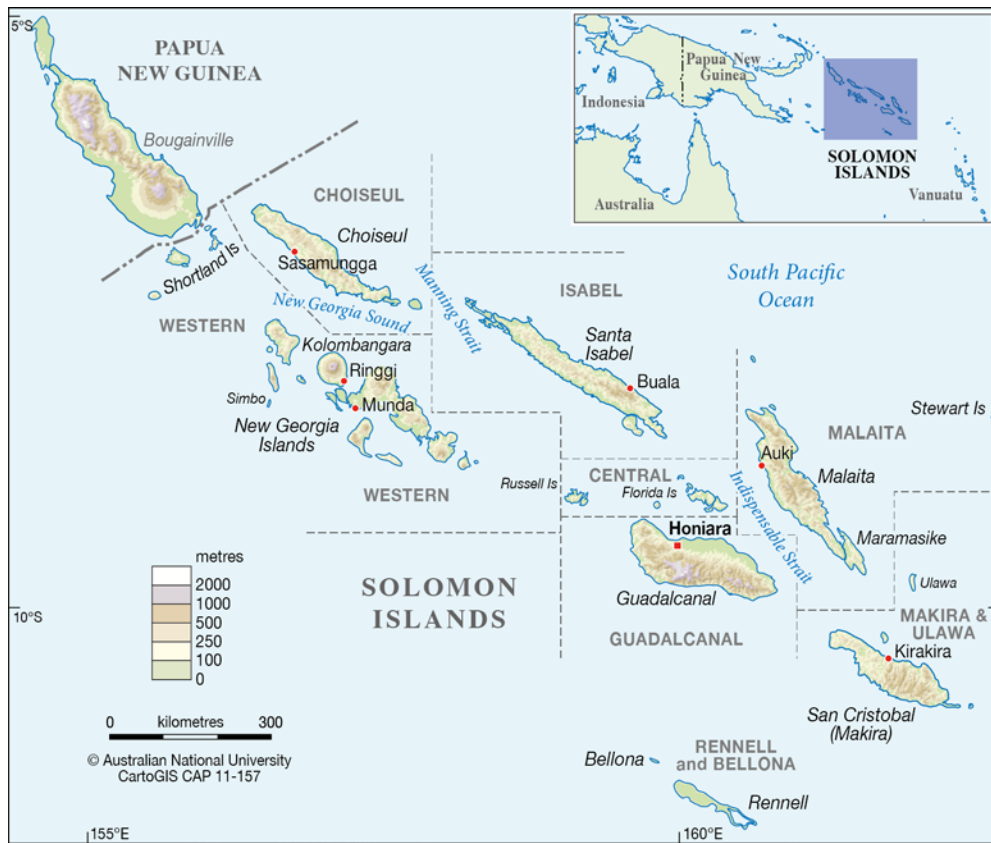


Figure 7. Map of Solomon Islands

Source: Australian National University CartoGIS 11–157

The United Nations not involved

RAMSI had a number of unique features which contributed to its success. One of the most important is that it was Australian-led, and was deployed at the specific request of the Solomon Islands Government of Prime Minister Kemakeza. However, as Braithwaite et al (2010) pointed out, this was only after two approaches to the United Nations in 2002, which was not in a capacity to respond, due to the fact that the effect of *Solomon's diplomatic recognition of Taiwan would be that China would veto any Security Council resolution to step up assistance... the United Nations played a more marginal role than is normally the case with an international peace operation*.²³⁸ While according to Breen, it was the opinion of the Australian Government that a United Nations force would not be able to solve the problems facing the Solomon Islands, and that any such intervention by the UN would risk displacing the Solomon Islands Police and risked initiating a prolonged occupation by international military and police forces.²³⁹

Australian government change of mind

The problems faced by the Kemakeza Government in Honiara were significant, and included extortion and political corruption, to the extent that the Solomon Islands was on the verge of state failure, as it was running out of funds to pay for essential services. In February 2003, Elsina Wainwright of the Australian Strategic Policy Institute (ASPI) drafted a paper on the Solomon Islands, *Our Failing Neighbour*²⁴⁰ which was distributed by Hugh White, then the head of ASPI. The paper proposed an Australian led, multinational mission to assist in restoring law and order in the Solomon Islands.

The paper prompted the Solomon Islands Prime Minister Kemakeza, to write to Australian Prime Minister Howard, requesting intervention by Australia. The request was not welcomed by the Australian High Commissioner to the Solomon Islands, who advised Canberra that *it was most unfortunate that ASPI had stimulated unrealistic expectations. Kemakeza was now tenaciously committed to an armed regional peacekeeping force. In Kemakeza's opinion, the Solomon Islands people would welcome such a force, provided that it could improve the law and order situation*.²⁴¹ Officials from PM&C, Defence and DFAT prepared a paper in response to Kemakeza's letter which emphasised the intractability of Solomon Islands problems and stressed the risks and high costs of intervention. According to Breen, the Report indicated that:

²³⁸ Braithwaite, J, Dinnen, S., Allen, M., Braithwaite, V and Charlesworth, H. (2010) *Pillars and Shadows: Statebuilding as Peacebuilding in Solomon Islands*, ANU E Press Canberra, pp. 49–50.

²³⁹ Breen, B. (2016). *The Good Neighbour*. Cambridge: Cambridge University Press, p.361

²⁴⁰ Wainwright, E. (2003) *Our Failing Neighbour: Australia and the Future of Solomon Islands*, Australian Strategic Policy Institute, Canberra.

²⁴¹ More, (2005), in Breen (2016), p. 363.

[n]o intervention force could reshape the political culture of Solomon Islands. At best, it would give the Solomon Islands Government breathing space by securing Honiara and allowing the government to operate without the threat of violence, and to begin to purge the Solomon Islands Police and regain control of public finances.

*This outcome was precisely what Howard and Downer had in mind-a circuit breaker to create a secure environment for recovery, not a panacea for all the problems facing Solomon Islands.*²⁴²

The major Australian departments, Prime Minister and Cabinet, Foreign Affairs and Trade and Defence, were of a like mind that the Solomon Islands had not hit rock bottom', and that the endemic lawlessness and corruption was 'not sufficiently threatening to Australia's interests to warrant the cost of intervention on the scale required. The decision rested on whether the Australian Government was willing to 'pay the price and take the risk of deploying Australian police and soldiers to deter, disarm and bring to justice those in Solomon Islands who were destroying its polity.'²⁴³

As a result, the ASPI paper created reconsideration at many levels. Prime Minister Kemakeza read it and was supportive. He was in a perilous situation and had been rebuffed by the UN. Australian officials from both DFAT and Defence were against any intervention, as was Foreign Minister Downer initially, as Stephanie Koorey states:

*In January 2003, then Australian Foreign Minister Alexander Downer emphatically stated that Australia would not be sending troops to Solomon Islands. Downer contended that not only would such an intervention 'fail to solve the problem' but he was particularly acute to potential allegations of 'recolonisation', and decried the idea as 'folly in the extreme'.*²⁴⁴

The Foreign Minister, and the Defence Minister however changed their minds after consulting with Prime Minister Howard, who had read the Departmental Report himself and had been reminded of Australia's responsibilities in its own region by U.S. President Bush when he visited the U.S.

*Howard disagreed with the departmental paper arguing against intervention in Solomon Islands, which he read on the plane after speaking with Bush. He decided then and there to confer with Downer and Hill on his return to Australia and to have them direct their departments to examine options for intervention.*²⁴⁵

²⁴² Breen, B. (2016), p. 364.

²⁴³ Breen (2016), p. 365.

²⁴⁴ Downer, A. (2003) 'Neighbours cannot be recolonised', The Australian, 8 January 2003 in Koorey, S. (2015), *Australia and Solomon Islands: what next after 14 years of regional assistance?*, p. 50. [http://www.defence.gov.au/adfj/Documents/issue_198/Koorey_Nov_2015.pdf]

²⁴⁵ Breen (2016), p. 365.

Whole-of-government and whole-of-region

At the insistence of Prime Minister Howard and Foreign Minister Downer, there were a number of criteria which underpinned any possible deployment. Firstly, it had to be at the express invitation of the Government of the Solomon Islands; secondly it had to be endorsed by the Pacific Islands Forum and thirdly, it had to involve police and military contributions from the Pacific Islands Forum member states. This was a watershed decision ... Howard and Downer moved Australia from a '*whole-of-government*' approach to Solomon Islands to a '*whole-of-region*' approach.²⁴⁶

The ASPI paper overturned the prevailing attitude in Canberra policy circles, which was based on a reluctance to intervene, for fear of being perceived as 'neo-colonial'. This failed to recognise that the international community, via the UN and other organisations, was intervening in failing and failed states around the globe. This included East Timor, or as it was known post-independence in 2002, Timor Leste, in Australia's own region, whose extant status was due in large part to Australian intervention.²⁴⁷ Both Breen and Braithwaite, J (2010) further argued that the attacks in September 2001, and the bombing in Bali in October 2002, influenced Prime Minister Howard's perspective on the region, towards a more robust posture.

The 2003 ASPI paper also mentioned the reluctance to intervene based on a lack of contemporary relevance. This appeared to be the opinion of the strategic advisers from the traditional diplomatic or the military fields, and arguably not from the AFP, whose concerns about transnational crime and other malign actors, did not appear to register with the traditional policy advisers, whose emphasis remain steeped in inter-state, and defence oriented, relations. Breen however points out that the possibility of transnational organised crime or other malign activity was acknowledged and that *occupation of Solomon Islands by a military power was unlikely, if Solomon Islands became a so-called failed state, there was potential for it to become a source or transit point for criminal and terrorist activities, that might affect Australia, as well as other countries in the region.*²⁴⁸

Part of this thinking incorporated the non-military threats mentioned above, although as Braithwaite points out the prospect of transnational criminals or terrorists gaining a foothold in the Solomon Islands was not a high risk:

When Prime Minister Howard announced the intervention, he referred to the risk of the Solomons becoming a safe haven for 'transnational criminals and even terrorists'.

²⁴⁶ Breen (2016), p. 366.

²⁴⁷ Breen (2016), p. 367–368.

²⁴⁸ *Brief on defence relations with Solomon Islands*, 7 June 2000, NAA: A11502, 2000/17014, in Breen (2016).

*It seemed implausible to people who knew the Solomons well that it could be a hospitable safe haven for transnational criminals or terrorists.*²⁴⁹

Nonetheless, the Howard Government pursued this policy of an Australian-led, multilateral intervention of state-building until the job was done. This was based on Prime Minister Howard and Foreign Minister Downer concluding that failing states in Australia's region were a threat to Australian national security, as well as to regional stability. In this thinking they were encouraged by the success of the Australian-led intervention in East Timor in 1999. As a result, they advocated for *an armed Australian-led regional peace support force to act as a circuit breaker on violence in Solomon Islands, to coerce weapons disposal and to facilitate the rebuilding of its polity.*²⁵⁰ The AFP led the security aspect of this mission, with military support.

Diplomats, police and soldiers – In that order

Planning then began in earnest by the AFP. AFP members Rod Walker and Don Whinfield drafted a basic four-phased plan in May 2003 called at that stage the *Solomon Island Law Enforcement Mission* (SILEM). This involved four contemporaneous phases: (1) 'separation'-arrest and detain 16 major militia commanders and criminals; (2) 'top down'-retrench senior RSIP and Field Force Special Constables, search homes with a view to arrest and prosecution; (3) 'recovery'-locate and impound all high-powered weapons; and (4) 'enclaved lockdown'-cordon and search of Honiara-establish quarantine perimeter-checkpoints.²⁵¹

The casual observer may ask, why the police and not the military? The answer is that the Solomon Islands situation was unique in many ways, which meant that police, as part of a broader law and justice mission were a more appropriate instrument than the military. There are many reasons for this. The first is that the Solomon Islands does not have its own military. Security and public safety were the exclusive responsibility of the Royal Solomon Islands Police, and they had failed in this most basic of duties. The second is that the deterioration of the security situation was essentially a law and order problem, and thus best addressed by a law and order agency, namely the police.

This was recognised by the first Australian Special Coordinator from Australia's Department of Foreign Affairs, which had overall authority for RAMSI, Nick Warner who stated:

Because of the purely criminal nature of most of their activities, it was decided that we would approach the former militants as a policing issue. After we arrived, teams of RAMSI police investigators were formed to investigate the many crimes that had been

²⁴⁹ Braithwaite (2012), p. 50.

²⁵⁰ Breen (2016), p. 361.

²⁵¹ Breen (2016), p. 369.

*committed in recent years, mostly by former militants. These investigations were conducted quickly, but without fanfare.*²⁵²

While Braithwaite (2010) stated:

*[t]he size of the intervention was much more than was needed. RAMSI Special Coordinator Nick Warner has said this was an explicit policy of ‘shock and awe’... helicopters dropping troops in visible locations, landing barges crashing onto the beach loaded with troops...It worked in immediately transforming the climate of security ... RAMSI replaced the rule of the gun with the rule of law very quickly.*²⁵³

In this very visible sense, the military was extremely important. Learning a lesson from the precarious and flawed security arrangement in UNAMET in East Timor in 1999, where unarmed UN Civilian Police and electoral volunteers were exposed to a high level of risk at the hands of extremely violent Indonesian –backed militia groups, a large Australian military show of force was deployed in support of RAMSI, to persuade anyone who may have been considering an armed challenge to RAMSI, to re-consider. As stated by the first Special Coordinator of RAMSI upon arrival in Honiara in 2003 ‘*Our immediate purpose is to restore law and order... should criminals seek to sabotage our assistance efforts, endanger public safety, or prevent the police from doing their duty, the military will not hesitate to act.*’²⁵⁴

This was reflective of posturing to ‘*speak softly and carry a big stick.*’ A full scale military intervention into an island nation of approximately 500,000 islanders by a first world nation such as Australia, could have had disastrous consequences in terms of Australia’s international standing, and allegations of neo-colonialism may well have been justified. The police, on the other hand, although uniformed, armed and responsive, provided a much lower profile, more appropriate to the circumstances. This was ‘firm’ power and as much about governance as it was about conflict. Some background on this ‘road to crisis’ in 2003 is required to explain why Australia generally and the AFP specifically intervened. The troubles in the Solomon Islands date back to independence from Britain in 1978, and the power vacuum which was filled by corrupt, tribalised, and criminal actors, with the inevitable downward spiral towards state failure.

Independence

As has been discussed, the decade of the 1970s saw a well-intentioned global move towards self-determination and independence of former colonial possessions, encouraged by the UN and exploited by Cold War power blocs. This brought with it several challenges in relation to peace and stability, as colonial administration withdrew. Australia’s immediate region has had its fair

²⁵² Warner, N. (2004) *Operation Helpem Fren: Rebuilding the Nation of Solomon Islands*: Speech to National Security Conference Special Coordinator Nick Warner, Canberra, Australia 23 March 2004.

²⁵³ Braithwaite (2010), pp. 51–52.

²⁵⁴ Warner, N. (2003) *Message to the people of Solomon Islands*. Special Coordinator Nick Warner Henderson Airport, Honiara, Solomon Islands 24 July 2003.

share of this experience, and Australia has responded accordingly, but not always immediately. Following the independence of Papua New Guinea from Australia in 1975, the Solomon Islands, a former British Protectorate, gained self-government in 1976, and full independence from Britain in 1978. It was not of strategic significance, in a Cold War context, so it was basically abandoned by Britain and left to its own devices.

The first Solomon Islands Constitution was created in 1970, but was challenged and a new Constitution was created in 1974. Unfortunately, the post-colonial era left a leadership vacuum, which was filled by poor governance and foreign exploitation, which led to rampant corruption. With no effective political leadership, the society descended into tribal based violence. Many of the issues faced by the Solomon Islands were the same as those faced by many other nations emerging from a colonial past. Such features include corruption, foreign-based resource exploitation, urban drift, high youth unemployment and the resultant crimes against the person and property. A tribalised or factionalised overlay, complicated matters further.

Decades of deterioration in the social cohesion culminated in a period known as the ‘tensions’ in the late 1990s, where resentment based on which island group one belonged, to developed into violent clashes. The two main ethnic groups were the Malaitans and the Guadalcanal people (Guales), each of which formed their own armed elements, known as the Isatabu Freedom Movement (IFM), the Malaitan Eagle Force, also known respectively as the Maurau Eagle Force (MEF) and the Guadalcanal Revolutionary Army (GRA). Violent clashes between these groups further destabilised the peace, order and good governance of what was already a fragile environment. AFP RAMSI Commander Ben McDevitt explains that the first aggressors appeared to be Guadalcanal people who resented the concentration of Malaitans in Honiara:

*At the height of this conflict some 20000 Malaitans were forced, through fear and intimidation, to flee their homes in Guadalcanal and return to Malaita. Young, dispossessed and aggrieved youth took up arms and clashes between rival groups became commonplace.*²⁵⁵

The societal cohesions had descended to such an extent that its primary features were: ...*guns, ethnic tensions, rogue police, corrupt politicians and business people, and armed criminals.*²⁵⁶ The Government of the Solomon Islands recognised that it was facing a set of problems which were beyond its own capabilities of resolving, and sought assistance from its larger neighbour, Australia, but these were rebuffed for various reasons including a fear of a neo-colonialist label on the part of Australian policy makers, and so things deteriorated further.

²⁵⁵ McDevitt, B. in Australian Federal Police (2013) *On the Road to Transition*, AFP Platypus Magazine, October 2013

²⁵⁶ Special Coordinator Nick Warner ‘*Operation Helpem Fren: Rebuilding the Nation of Solomon Islands*’: Speech to National Security Conference, Canberra, Australia, 23 March 2004

Request for help

The AFP, for many years placed its representation in the South West Pacific region in the South Pacific International Liaison Officer (SPILO), one of whom was John Murray, whose book, *The Minnows of Triton*, provides a comprehensive background to circumstances in the region in the 1980s and 1990s. Murray wrote:

A number of requests made by the Solomon Islands Government to the governments of Australia and New Zealand for stability assistance were rejected. Anecdotal information suggests that an overriding fear of criticism based on 'neo colonialism' prevailed in many influential circles.

Actual reasons cited for this rejection included that any intervention would not be supported by the Pacific region; that Australian taxpayers would not support any intervention; that intervention would require a long-term strategy with an ill-defined exit point, and it was believed that foreigners would lack a solution to what was perceived as a local cultural problem. Also among the reasons was an apparent reluctance for an Australian police Commissioner to use armed force.²⁵⁷

There were some compelling reasons, linked to Australia's national interests, by virtue of malign non-state actors gaining a foothold in such fragile nations, with anaemic or corrupted policing, so close to Australia, because:

a dysfunctional Solomon Islands held long term dangers for Australia and the region. A country beholden to armed thugs is a recipe for chronic instability...[s]uch instability is an open invitation to transnational crime. Experience elsewhere shows that weak states are also attractive as havens for money laundering, people smuggling, drug smuggling and terrorism. And while there was no evidence that transnational criminals were targeting Solomon Islands, there was no point waiting for this to happen.²⁵⁸

There was a recognition by some that action was required, but a breakthrough did not arise until the year 2000, with the signing of the Townsville Peace Agreement (TPA).

The road to peace

Murray provides a snapshot of the situation in the Solomon Islands. As many as 1100 armed Malaitan 'special' members of the Royal Solomon Islands Police (RSIP):

remained on the police payroll while engaging in torture, rape and the burning of 'enemy' villages. Murder and banditry went unabated elsewhere with former police employee Harold Keke and his gang held responsible for multiple abductions and massacres in the Weathercoast region of Guadalcanal including the killing of cabinet minister/Catholic priest Father Augustine Geve ... many ranking officers became complicit in supplying MEF militants with weapons from the police armoury.²⁵⁹

²⁵⁷ Murray, J. (2005). *The Minnows of Triton: policing, politics, crime and corruption in the South Pacific Islands*. Fadden, A.C.T., p. 92.

²⁵⁸ Warner, N. (2004) *Operation Helpem Fren: Rebuilding the Nation of Solomon Islands*: Speech to National Security Conference Special Coordinator Nick Warner, Canberra, Australia 23 March 2004.

²⁵⁹ Murray, J. (2005), p. 9.

In June 2000, MEF militants with rogue Royal Solomon Islands Police (RSIP) members formed para-military unit, known as the Joint Operations Force which seized control of key installations, and took Prime Minister Ulufa'alu hostage. He resigned in exchange for his release. He was replaced as Prime Minister in late June 2000 by Manassah Sogovare, who had previously been Finance Minister. He was replaced in December 2001 by Allen Kemekeza. According to Murray during this six month period, Sogovare had entered into arrangements with what was effectively a mercenary group to counter any opposition to the outcomes of the MEF cadres.²⁶⁰ This was the Solomon Islands Peace Monitoring Organisation (SIPMO).

SIPMO was formed in Melbourne, and was codenamed Operation Unity. Its stratagem was to overcome by force 'those recalcitrant elements identified as a threat to the MEF's total assumption of control.' This plan was kept well out of the public domain, and was later abandoned. Its initial planning used terminology such as 'neutralise the opposition', 'robust arrangements', 'rapid deployment', and 'enforce compliance'. It was intended that SIPMO operatives would possess sophisticated weaponry, explosives, marine resources and a BK 117 twin-engine multi-mission helicopter – a 'force multiplier' with the ability to fly 'hot and high', with the purpose of deploying armed personnel throughout the islands.²⁶¹ This was partisan politics writ large, with the real risk of ethnic cleansing.

Clearly this was a situation Canberra could ill-afford to allow to continue in a Commonwealth country so close to its shores. This reinvigorated efforts for Australian and New Zealand assistance to bring militant to the negotiating table, which took place aboard HMAS Tobruk in July 2000, which concluded a ceasefire agreement on 3 August 2000. This led to the momentum for further peace talks which became known as the Townsville Peace Agreement (TPA) which took place in Townsville North Queensland in October 2000.

The TPA was signed by MEF and elements of IFM and the Solomon Islands Government and was followed by the Marau Peace Agreement in February 2001, signed by MEF, IFM, Guadalcanal Provincial Government and the Solomon Islands Government. However, it was not signed by Harold Keke, Guadalcanal militant leader, who was to become instrumental in eventual restoration of order in the region. The indigenous Peace Monitoring Organisation (SIPMO) was charged with the responsibility for implementing the peace agreement with the assistance of the International Peace Monitoring Team, which had been established under the TPA. The IPMT was largely ineffectual and withdrew in June 2002.

Lawlessness continued, although Australia continued with assistance with a Law and Justice Sector Program, aimed at strengthening the police, prison and legal services, assisting the work

²⁶⁰ Murray (2005), p. 93.

²⁶¹ Murray, (2005), pp. 93–94.

of the National Peace Council, financial support for the UNDP project for the Demobilisation of Special Constables, and communications and logistics support for the police. In February 2003 shortly after the British police Commissioner William Morrell arrived to replace Morton Sirheti, former police Commissioner, Fred Soaki, was shot dead while dining at a hotel. Soaki was a member of the National Peace Council, and was due to chair a Commission of Inquiry into the causes of civil unrest, which created misgivings amongst many people in positions of influence. A police sergeant, Edmund Sae was arrested for the crime, but escaped custody with relative ease.

Civil unrest continued, with the Department of Finance, for instance, being surrounded by armed men when cash was due to arrive. There was a prevailing atmosphere of lawlessness, violence and extortion, with an inadequate police response, which prompted Prime Minister Kemekeza to seek formal assistance from Australian Prime Minister Howard in April 2003, but only, as discussed earlier, after an approach for United Nations intervention was deemed impossible, due to a Chinese veto in the UN Security Council, over diplomatic recognition of Taiwan by the Solomon Islands Government.

Following consultations between the governments of the Solomon Islands, Australia and New Zealand, a package of strengthened assistance was proposed and endorsed unanimously at a meeting of the Foreign Ministers of the Pacific Islands Forum (PIF). It was debated and endorsed by the Solomon Islands Parliament through the Facilitation of International Assistance Act 2003, commended by the UN Secretary General Kofi Annan and supported by the Commonwealth's Ministerial Action Group and Secretary-General. This level of regional and international endorsement underwrote RAMSI's legitimacy.

Op 'Helpem Fren': Engaging armed offenders by negotiation, not enemies by armed force

The AFP Commander of the RAMSI Participating Police Force (PPF), Ben McDevitt, adopted strategy of targeting Keke because he was seen by Solomon Islanders as *'almost like a demon'*. The significance of this, was that Keke was treated not as an enemy in a military sense, but as an armed offender, in a police sense. There is a major difference, and this approach proved to be successful. Braithwaite (2010) records that RAMSI police commander Ben McDevitt wrote to Keke on 25 July 2003, offering to guarantee Keke's safety in custody in return for surrendering weapons and submitting to justice.

Keke replied in writing, that he wanted peace, and was willing to surrender *'as long as the first priority is to disarm the militants in Honiara and get rid of corrupt politicians'* ²⁶²

²⁶² Keke quoted by Fraenkel, J. (2004) *The Manipulation of Custom. From Uprising to Intervention in the Solomon Islands*, Australian National University, Pandanus Books, Canberra, p. 168, in Braithwaite, J (2010), p. 53.

Keke's Guadalcanal Liberation Front had declared a unilateral cease-fire three weeks before McDevitt's letter, on 5 July 2003.²⁶³ A direct message was sent in a letter to all militants from Warner and McDevitt:

*In our talks with militia leaders, we have made it very clear that we are not here to negotiate or make deals...It is in your interest to hand in all guns. Anyone found with a gun after midnight 21 August will be breaking the law and will face up to 10 years in prison and a S\$25,000 fine...We are able to deal with any situation and track down illegal weapons. We will not be stopped by threats or intimidation.*²⁶⁴

This approach eventually allowed McDevitt to negotiate the peaceful surrender and arrest of Keke, on 13 August, to face criminal charges. Two weeks after the arrival of RAMSI, Special Coordinator Nick Warner and PPF Commander Ben McDevitt met with Harold Keke in his own village. They told him it was time to end the conflict, and it was best to pursue matters through legal processes, where he would have an opportunity to tell his side of the story. He was informed that he had an outstanding arrest warrant and that he would have to give himself up at some stage.

Negotiations took place over three meetings, after which Keke and some of his key commanders surrendered. Breen (2017: 388-389) states that Keke was originally arrested for aggravated burglary, and the theft of an outboard motor in order to get him to agree to accompany police to RAMSI Headquarters in Honiara for further questioning. He was accompanied by his family, in special accommodation at the Guadalcanal Beach resort, which was the RAMSI Headquarters. He was also accompanied by his Chief of Operations Ronnie Cawa, who had ordered most of the murders, executions and other atrocities on the Weather Coast. He apparently boarded the helicopter because he had never been in one before.

Harold's day in court

Upon the departure of Keke and Cawa it is reported that around 50 members of Keke's GLF militia held a formal parade after Keke and his entourage had left and handed in their weapons. One man raised his arm and loudly declared, '*The war is over!*' and others joined the chant: '*The war is over! The war is over!*' As indicated by McDevitt, Keke ultimately surrendered to have his day in court. 'He wanted to tell his side of the story about what had happened to him and I think

²⁶³ Plunkett, M. (2003) *Stress-Testing Solomon Islands Peace Operations Scenarios*, Griffith University, Queensland, p 12 in Braithwaite, J. (2010), p. 53.

²⁶⁴ Fraenkel, J. (2004) *The Manipulation of Custom. From Uprising to Intervention in the Solomon Islands*, Australian National University, Pandanus Books, Canberra, p.168, in Braithwaite, J (2010), p. 53.

that was a pretty powerful incentive for him-one of several. He wanted to say how he had been wronged.’²⁶⁵

On 18 March 2005, Keke and Cawa were sentenced to life in prison for the murder of former Cabinet Minister and clergyman Father Augustine Geve at Mbiti in 2002.²⁶⁶ According to Braithwaite, Keke *was a mentally unstable man who had convinced others of his mystical indestructibility*.²⁶⁷ This was confirmed by Special Coordinator Warner.

*Keke’s behaviour was erratic and unpredictable. Just before our arrival seven Anglican brothers from the order of Melanesian Brothers who had been taken hostage by Keke’s followers in May, were killed. Keke’s surrender was a key milestone in RAMSI’s operations. Other militants and police had used his belligerency as a justification for holding onto weapons. After his arrest, there were no more excuses. Keke’s arrest was another major confidence boost for the whole country, especially on Guadalcanal where many had lived in fear of his raids.*²⁶⁸

This was the catalyst for the seizure and public destruction of weapons, which in itself had a positive profound and visible influence. A 21-day amnesty, between 31 July and 21 August 2003, was announced by the Prime Minister. Anyone found in possession of a firearm after that date would be subject to a ten year term of imprisonment. This had an immediate effect and firearms were handed in in large numbers.²⁶⁹

The participating police force and disarmament

As the Royal Solomon Islands Police (RSIP) had been disarmed, the management of crime was left to the Participating Police Force (PPF), which was under the command of RAMSI. The PPF consisted of police representatives from 14 Pacific Island nations, which gave a ‘Pacific face’ to this intervention. These PPF members were recruited locally in their own countries, and trained in Australia by the AFP at the IDG facility at Majura. In a similar fashion to the UN Police in East Timor during the UNTAET mission, the international police in RAMSI performed an executive policing function, and actually enforced the criminal laws of the Solomon Islands.

The PPF set about disarming the militants and *‘[m]ore than 3730 weapons and more than 30000 rounds of ammunition were removed from the militia. About 700 of those were high-powered*

²⁶⁵ McDevitt, B. in Australian Federal Police (2013) *It all Hinged on Harold*, AFP Platypus Magazine October 2013, pp. 12–13.

²⁶⁶ Breen, (2016), p. 389.

²⁶⁷ Braithwaite et al. (2010), p. 53.

²⁶⁸ Warner, N. (2004) *Operation Helpem Fren: Rebuilding the Nation of Solomon Islands: Speech to National Security Conference* Special Coordinator Nick Warner, Canberra, Australia 23 March 2004.

²⁶⁹ Braithwaite et al. (2010), p. 51.

*military style weapons’.*²⁷⁰ These were destroyed publicly before large crowds of onlookers ‘*in a potent display of our commitment to ridding the nation of firearms.*’²⁷¹

Justice being done and being seen to be done

In addition to the arrest of Keke, the disarming of the police and the militants, the PPF, led by the AFP commenced investigating and prosecuting the offenders, who had been the cause of so much of the political instability.

*Dozens of senior police...along with politicians and bureaucrats were put before the courts and imprisoned for rapes, murders, abductions, thefts and falsification of accounts. Andrew Nori was charged with corruptly receiving SI\$5 million and Alexander Bartlett for illegally importing firearms, demanding money with menaces, arson, lodging false compensation claims and inciting to commit offences. Justice Minister Michael Maina had to explain a theft of SI\$15000, while former ministers Kemakeza, Benjamin Una and Francis Zama faced a spectrum of corruption and office-based abuse claims. Ex backbencher John Maetia was arrested on 10 charges for obtaining over SI\$198000 and attempting to solicit a further SI\$14000 for supplying naturalisation certificates for Chinese nationals.*²⁷²

*By July 2004, 3316 people had been arrested on 4788 charges. This success was made possible through evidence collected and secreted by Royal Solomon Islands Police (RSIP) who remained loyal during the tensions. Similarly the security situation in the Solomon Islands had stabilised to such a degree that military personnel were drawn down in the second half of 2004 ... Eventually 25 percent of the RSIP was either arrested and charged with corruption offences or discharged from the force. More widely, an ombudsman, a magistrate, numerous lawyers, multiple public servants, corrections officers and four government ministers were arrested in a very public and transparent cleansing of corruption.*²⁷³

This was not only justice being done, but was justice being seen to be done, which had its positive impact on restoring public confidence and societal trust. The PPF in which the AFP was significantly represented, was instrumental in this effort. RAMSI continued in this way for the next decade, during which the PPF gradually stepped back from front line policing roles and allowed the newly re-constituted, and re-named, but still unarmed, Royal Solomon Islands Police Force (RSIPF), to assume more general policing duties.

On the path to sovereignty: Re-arming the police

This set in train a gradual re-armament of the RSIPF, beginning with PPF trained Close Personal Protection (CPP) members responsible for the armed protection of High Office Holders and visiting foreign dignitaries, and Airport Police which is in accordance with international

²⁷⁰ Australian Federal Police (2013) *It all Hinged on Harold*, AFP Platypus Magazine October 2013, p. 13.

²⁷¹ Warner, (2004).

²⁷² Murray (2005), p. 95.

²⁷³ Australian Federal Police (2013) *On the Road to Transition*, AFP Platypus Magazine, October 2013.

requirements. Both of these sections were trained by AFP trainers and mentors. The re-arming of the police created some disquiet in some sections of the Solomon Islands community, whose trust in the police remained at low levels. RSIPF Commissioner Matthew Varley, himself on secondment from the AFP, acknowledged these concerns but pointed out that:

*More than two thirds of the RSIPF has been recruited since the tension period. We've had heavy investment in training by RAMSI and development over that time. The officers that are involved in this limited rearmament program have been trained to the highest standards and I'm pretty confident that those officers are well disciplined and ready to take on that extra responsibility.*²⁷⁴

RAMSI finally withdrew on 30 June 2017, after 14 years leaving behind 45 AFP members with the Solomon Islands Police Development Program (SIPDP), to continue to advise the RSIPF. The RAMSI mission is broadly lauded as a success and allowed one commentator to state in 2009:

*From the beginning, the AFP/IDG contribution to RAMSI has been marked by a number of achievements. The first of these was the ability of the Mission to rapidly deploy to the Solomon Islands and diffuse the turmoil that was spreading across the country. By achieving this tasking through regional consensus and collaboration rather than using direct assistance from the United Nations, a model has been established for Pacific intervention that is both more responsive and less cumbersome than traditional peace-keeping models. This success is what prompted the establishment of the IDG in 2004 and has led the Australian Government to adopt a policy preference toward law and order as the lynchpin of stability in the Oceanic region. Furthermore, the emphasis on achieving law and order as a means toward nation-building has put the AFP at the forefront of Australia's regional security program.*²⁷⁵

The People's Survey

One feature of RAMSI which helped maintain direction and connection with the Solomon Islands community, was the People's Survey. A selection of statistics and comments is provided below from which some conclusions can be drawn about the popularity of RAMSI, the issues which have been addressed, and the issues which remain.

In 2006, 92% of respondents considered youth unemployment as a threat to security. In 2008 many respondents considered gang-based violence among unemployed youth to be a response to disempowerment in an unforgiving urban environment. Nepotism and 'wantokism' were consistently seen as problems, particularly within the political and police circles. Some understood that this was a 'cultural expectation. In 2009 '[w]eak policing and a poorly disciplined police force were frequently mentioned as contributing to law and order problems, especially by

²⁷⁴ RSIPF Commissioner Varley quoted in Australian Federal Police (2013) *On the Road to Transition*, AFP Platypus Magazine, October 2013.

²⁷⁵ Mayfield, T. (2009) *AFP in the Solomon Islands* Tim Mayfield AUSPOL 2/2009.

*the Men and Young Men groups. There were many negative comments and examples of bad police behaviour and police providing poor role models.*²⁷⁶

In relation to conflict resolution, in 2006, 41% of respondents indicated a preference for customary law rather than modern law to resolve disputes. In 2007, 93% of respondents indicated that they would resolve their disputes entirely within their own community, either through customary law, the church or 'working it out themselves. Only 4.2% would involve RSIPF or RAMSI. The following year, in 2008, 84% of respondents expressed a preference for customary law and 5% and 7% would involve RSIPF or RAMSI respectively. By 2011, 60% of respondents indicated they would seek help from a chief to resolve a dispute and 15% indicated they would seek help from RSIPF.²⁷⁷

In 2010, the main suggestion on improving the dispute resolution processes were: '*more respect for chiefs*' (46%), '*kastom*' (26%), '*elders*' (19%) and '*church*' (19%). '*More community policing*' was mentioned by 15% and '*more access to RSIPF*' by 10%. *Less than 10% mentioned courts and other modern sources of justice and dispute resolution.* Support for RAMSI in 2008 was 89% of respondents which had dropped to 86% in 2013. In that same year, 48% said RAMSI's biggest achievement in Solomon Islands was bringing peace to the country and 40% said it was restoring law and order.²⁷⁸ Recalling Einstein's statement that peace is not merely the absence of conflict, but the presence of justice and government, in terms of policing, the bringing of peace and the restoration of law and order are one and the same.

The success of RAMSI

There is little doubt that, despite early misgivings about the prospect for success for such an intervention, RAMSI has been one of the most successful international interventions ever, regionally or globally. This is due to a range of factors, including the fact that it was a regional agreement by the Pacific Islands Forum; that it was Australian-led, but whole-of-region; that it was 'whole-of-government; that the political support from Australia was not influenced by the political cycle, but by intervening as long as it took to get the job done; that the security aspect was police-led; that the police were not confined to 'western' interventionists from Australia, but that the police instead adopted a regional 'Pacific face', via the PPF and that the PPF was prepared to perform all executive powers of a police force, not just general duties and public order, and was able to address some of the underlying issues of corruption and poor governance, through justice mechanisms. This was not achieved by the police acting alone; it required a viable and legitimate court system.

²⁷⁶ <http://www.ramsi.org/media/peoples-survey/>

²⁷⁷ <http://www.ramsi.org/media/peoples-survey/>

²⁷⁸ <http://www.ramsi.org/media/peoples-survey/>

Many lessons came from the Australian experience in RAMSI. Among them are: that the invitation of the host government is essential for cooperation. This is not always straightforward, as simple pride often prevents sovereign governments asking for help. Nefarious activities by government actors, including corruption exacerbates the problem. Regional consultation and a genuine long-term partnership with the host government are essential. The inclusion of all agency perspectives, including those of the police, during the planning process tends to minimise coordination problems on the ground.

The adoption of a 'Pacific' style, under the PPF allowed for a much more credible voice on behalf of the intervening force. This Pacific voice was on occasion able to deliver harder messages in a softer way than more unfamiliar or unwelcome 'western' voices. The leadership provided by a senior diplomat, who was capable of seeing the 'big picture', and coordinating efforts accordingly was no doubt part of the success of RAMSI. The 'optics' of a police-led security posture rather than a military one, was a much softer, yet effective form of 'firm' intervention. The fact that the militants were regarded by the police as criminal actors rather than an armed 'enemies', provided for a more nuanced and flexible approach to what was essentially a problem of lawlessness. An interesting observation is that the UN changed to 'integrated missions' around this time and perhaps there were some lessons from RAMSI which translated to the UN.

Implications of RAMSI for Pacific Region

RAMSI helped consolidate Australia as a trusted partner in the Pacific, even in places where Australia traditionally had little or no interest, such as Micronesia, which had a traditional partnership with the United States, and Polynesia, whose traditional partner was, and remains, New Zealand. This was by virtue of the diverse Pacific membership of the PPF, which reflected the PIF membership more broadly. The appropriate levels of political support and resourcing were also extremely important.

Many positives arose from RAMSI, including; a safer region; the provision of a successful formula upon which similar interventions could be based; an enhanced understanding of regional dynamics; increased understanding and appreciation of individual agency's methods of operation, including constraints, restraints and requirements; and the development of strong police to- police peer networks, As will be discussed in another section, such relationships have become increasingly important. It is instructive to mention short-term versus long-term time perspectives in relation to such interventions as:

McDevitt explains that the military representative said in securing the strategic military points would take 32 days, and then the military would be ready to withdraw. Mr McDevitt then explained that the community had lost trust in the RSIP and the police component of the mission could take up to 10 years. He says a representative from another agency then talked at length about endemic corruption in the country. Further there was a need for significant programs in infrastructure, finance and all

*other departments. The assessment was it would take a generation to make the necessary changes.*²⁷⁹

RAMSI adopted and applied a comprehensive approach, which combined peacemaking, peacekeeping and peace building. Seen through Australian eyes, particularly those of the police, RAMSI was in short, the beneficiary of a rare combination of political will and a regional imperative, and in that sense was a diplomatic success. In terms of the legacies left behind, however, there may be less grounds for optimism.

It is worthwhile re-stating that the RAMSI intervention was intended as *a circuit breaker to create a secure environment for recovery, not a panacea for all the problems facing Solomon Islands*. These underlying problems remain and can only be addressed by the Solomon Islanders themselves, as they negotiate the terms of their own social contract.

Legacy for the Solomon Islands

Urban drift, youth unemployment, ‘wantokism’, nepotism, political corruption, foreign-based resource exploitation, and a fragile path to economic self-sufficiency, remain as concerns for the future peace, order and good governance of the Solomon Islands. RAMSI has provided some basis for development along these lines, but has not addressed the underlying causes, because it was never designed or intended to. RAMSI was intended to provide breathing space to allow the Government of the Solomon Islands to re-establish itself. In that, RAMSI has succeeded. It is now up to the Solomon Islanders themselves. As RAMSI Special Coordinator Nick Coppel stated:

*RAMSI[was] a unique initiative, never before attempted by the countries of our region or elsewhere for that matter. The mission’s commitment to assist Solomon Islands [went] well beyond simply creating a stable environment and strengthening the capacity of the security sector, to a much broader commitment to assist Solomon Islanders in their efforts to strengthen the functions of the state in areas such as economic management and good governance. This was an ambitious but very deliberate decision, reflecting the unanimous views of the Pacific Island Forum Leaders that the mission should assist Solomon Islanders to address the fundamental causes of their nation’s near collapse and not just be a ‘quick-fix’ focused on security.*²⁸⁰

The AFP within RAMSI was very much to the forefront of this pioneering effort, and as such consolidated a growing and impressive list of achievements, both in terms of operational outcomes, and effective diplomacy. In the case of RAMSI, both Australia’s national interest and regional good citizenship were consistently demonstrated.

²⁷⁹ Australian Federal Police (2013) *It all Hinged on Harold*, AFP Platypus Magazine October 2013.

²⁸⁰ Coppel, N (2011) *Building the Capacity to Protect: The work of the Regional Assistance Mission to Solomon Islands* Special Coordinator Nicholas Coppel, 22 June 2011.

The rapid withdrawal of extant governance control, and the resultant power vacuums, have been partially to blame for some of the problems in Australia's region. It is important to note that the closure of RAMSI has not meant the end of AFP involvement in the Solomon Islands. When the UN withdrew from Timor Leste in 2012, the AFP maintained a police capacity development mission there, known as the Timor Leste Police Development Program (TLTDP). In a similar fashion, the AFP will continue its police capacity development in the Solomon Islands with the Solomon Islands Police Development Program (SIPDP) with 45 members. This sort of phased withdrawal is one of the salient lessons learned from the AFP experience in both Timor Leste and the Solomon Islands. Pro-active engagement was another.

Section 3: The Pacific and the establishment of the International Deployment Group

The year 2004 was a highly significant one for the way in which the AFP engaged at an international level. As discussed in a previous section, the Jakarta Centre for Law Enforcement Cooperation was established, as a joint AFP Indonesian National Police initiative, in response to the Bali bombing in October 2002. Another initiative in 2004 was in response to the demands placed on police administration, logistics and training by contemporaneous police activities, in Timor Leste and the Solomon Islands, where RAMSI had been established the previous year. The extant arrangements were somewhat ad hoc, and not designed for long-term sustainment of large missions so the International Deployment Group (IDG) was formed at Majura, on the north eastern outskirts of Canberra in the ACT.

The establishment of the AFP International Deployment Group (IDG)

Following the East Timor deployments, particularly the UNAMET and UNTAET deployments between 1999 and 2002, and the impact they had upon deployed members, the AFP reviewed its pre-deployment training. The original model adopted closely resembled the pre-deployment training conducted by the ADF, for AFP members deploying to Bougainville. This period also coincided with the *Report of the Panel on United Nations Peace Operations*.²⁸¹

This Report made a number of observations and recommendations based on the changing nature of United Nation interventions, in which police were playing an increasingly significant role. This included civilian police involvement in East Timor, in which the AFP was playing a continuing role, in tandem with, and following on from INTERFET. An important observation in the Report, in a domestic donor nation sense, means there can often be less opposition to deploying civilian police in lieu of military forces, but that the availability of such police is often impractical, as they

²⁸¹ *Report of the Panel on United Nations Peace Operations* (2000) A/55/305–S/2000/809.
http://www.un.org/en/events/pastevents/brahimi_report.shtml

are structured to meet domestic needs alone, and there is therefore little or no excess capacity to provide police for international missions. The Report further acknowledged that police from a range of backgrounds and cultures, could experience difficulties working together in a cohesive manner, if forced to work together in the field for the first time.

The Report noted that in its global operations, deployed civilian police personnel were only second in numerical terms to deployed military personnel, and that the demand for police in UN missions was high and likely to remain high. The Report highlighted the fact that unique features of policing in such environments, included fairness and impartiality, and further mentioned the disruption to political and economic progress in fragile states, caused by crime. This is compounded by associated intimidation, violence and other criminal activity, and police reform in such states, was recognised as important as training, advising and monitoring.

The Report made a number of recommendations which included the establishment of: (1) a national pool of civilian police ‘... *administratively and medically ready for deployment to United Nations peace operations, within the context of the United Nations Standby Arrangements System. (UNSAS); (2) regional training partnerships for civilian police; and (3) a single point of contact for the provision of civilian police to United Nations peace operations.*’

As a result, the AFP established the International Deployment Group (IDG), to service the existing and evolving UN mission in East Timor, and the growing multi-lateral RAMSI deployment to the Solomon Islands. The IDG was an appropriate mechanism by which to provide a national pool of deployable police; the development of a regional training regime which trained all Participating Police Force (PPF) members from the Pacific nations deploying to RAMSI, and acted as a single point of contact for international police deployments for Australia. Finally the panel recommended that ‘... *parallel arrangements to these recommendations be established for judicial, penal, human rights and other relevant specialists, who with specialist civilian police will make up collegial “rule of law” teams*’. This was in part, addressed by the Australian Civilian Corps (ACC), established by Prime Minister Rudd in 2011 under DFAT.

The Pacific, the arc of instability and the Howard doctrine

The formation of the IDG also accorded with prevailing Australian Government foreign policy doctrine, which became known as the Howard Doctrine. This featured a more robust regional posture involving police support as an alternative, or as a supplement to, other means of intervention. Australian Prime Minister John Howard stated in early 2004:

the purpose of this group [Deployment Group] will be for deployment in the region. Nobody should construe from the formation of this group that we have in mind deployment further afield. The whole purpose is to consolidate and put on a proper dedicated basis the evident need for this country in the years ahead to provide police, professional police support, to many of our neighbours in the Pacific. Many of these

*countries need trained police, as much [as] if not more than they need military personnel[,] and one of the best things that Australia can do, on an ongoing dedicated professional basis [,] is to provide and effective police presence and police advice in these countries.*²⁸²

The regional focus was to become stretched slightly with UN deployments to Sudan and South Sudan and also bi-lateral deployments to Jordan and Afghanistan. As discussed earlier, Prime Minister Howard had made his decision to deploy AFP to East Timor in 1999, as a result of a crisis created by an unexpected reaction by Indonesian President Habibie to his letter of December 1998, and the need for a ‘third force’ to act as a buffer between the Indonesian authorities and the voters of East Timor. He made the decision to deploy AFP to the Solomon Islands following a failed approach by the Solomon Islands Prime Minister to the UN for assistance and following advice from U.S. President George Bush, where Prime Minister Howard was reminded about Australia’s responsibilities in the South West Pacific region. The Howard Doctrine was coined in an expression, whereby Australia became known colloquially in the media as the ‘Deputy Sheriff’ in the region, which created some raised regional eye-brows.

As Breen recorded, the new ‘peace-building approach’ was built upon the successes of East Timor dating from 1999, where a national police force had been established following independence, and by the early successes of the RAMSI mission in the Solomon Islands.²⁸³ Despite the fondness for journalists and cartoonists to use the term ‘Deputy Sheriff’ title, the Howard Government’s contrary intentions were made clear years earlier on 27 September 1999, after the deployment of INTERFET, when Prime Minister Howard addressed the House of Representatives:

*We do not seek ever to impose our views on other countries; we do not seek any kind of regional police role. We seek rather to act in concert with friendly nations within our region to achieve mutually shared objectives.*²⁸⁴

This was reinforced the following day when Mr Nugent Liberal Member for Aston who addressed the House of Representatives on 28 September in response to a question by the Leader of the Opposition concerning the Bulletin article on the Howard Doctrine:

*Let me reiterate what the Prime Minister has already said very specifically: the government does not see Australia as playing the role of deputy for the United States or, indeed, any other country in the region. Neither does the government see the United States playing a role as regional policeman.*²⁸⁵

²⁸² Breen (2016), p. 411.

²⁸³ Breen (2016), p. 454.

²⁸⁴ Howard 27 September 1999, p.10517 Parliament of Australia

<http://parlinfo.aph.gov.au/parlInfo/search/display/display.w3p;db=CHAMBER;id=chamber%2Fhansardr%2F1999-09-27%2F0034;query=Id%3A%22chamber%2Fhansardr%2F1999-09-27%2F0000%22>

²⁸⁵ Nugent 28 September 1999, p. 10759 Parliament of Australia.

<http://parlinfo.aph.gov.au/parlInfo/search/display/display.w3p;db=CHAMBER;id=chamber%2Fhansardr%2F1999-09-28%2F0028;query=Id%3A%22chamber%2Fhansardr%2F1999-09-28%2F0000%22>

The Howard Doctrine focussed on the 'Arc of Instability' as it applied to the island nations in the South West Pacific. The Pacific is the largest ocean in the world. It stretches from the Arctic to the Antarctic circles, and is surrounded by the archipelagic region of South East Asia, continents of East Asia, North and South America and Australia, and its vast interior contains several island groups inhabited by racial and ethnic grouping broadly categorised as Melanesian, Polynesian and Micronesian. At 165 million square kilometres, it is larger than all of the earth's land areas combined. It has been a contested area for the past century, as littoral states have waged actual and strategic conflict for control or influence. Australia's recent history saw Imperial Japanese military forces very close to Australian territory, and since 1942, Australian policy has been one of strategic denial to powers whose aspirations and intentions were inimical to Australia's.²⁸⁶

Early claims

There have been some ambitious claims on ownership and possession on this vast and sparsely populated expanse of water. This first European claim actually came from the eastern side of the Pacific by early Spanish explorers.

*Columbus reached Central America in the Santa Maria in 1492; he never saw the Pacific, but by 1513 the Spaniards reached the Pacific coast and learned that Columbus had not been crazy after all. There lay the mightiest ocean of all! Keats has told us of that breathless moment when the Spaniards 'stared at the Pacific, silent upon a peak in Darien.' Balboa, the leader of this expedition, waded into the ocean, clad in full armour and sword in hand, and took possession of the Pacific in the name of the sovereign of Spain.*²⁸⁷

Like many who have tried to deal with the Pacific as a single entity, Balboa was perhaps more than a little ambitious. Of the nations on the Pacific Rim three are global behemoths: China, Russia and the United States. Other major industrial powers such as Japan and South Korea also have significant interests in the Pacific, as does one of the most populous nations in ASEAN, the Philippines. There is, therefore, no unique Pacific culture, religion, ideology, political system or approach, nor is there a shared history, colonial or otherwise.

Colonisation and the principle of effective occupation

There are many nations, particularly amongst the islands, which are former colonies of European powers, primarily Britain and France, but also Germany which had a brief foray into global colonialism in the late 19th Century. Of note is a principle related to colonial possession developed in relation to the 'Scramble for Africa'. The *Principle of Effectivity*, or *Effective Occupation*, was developed at the Berlin Conference in 1884-85. Also known as the 'Congo

²⁸⁶ It was German influence in the Pacific region in the late 19th Century, particularly New Guinea, which was one of the driving influences which provided the impetus for the federation of the Australian colonies in 1901.

²⁸⁷ Crawford, R. (1943) *Ourselves and the Pacific*. Melbourne University Press, p. 39.

Conference' (German: Kongokonferenz) or *Berlin West Africa Conference* (German: Westafrika-Konferenz) the principle was developed to prevent European powers from setting up colonies in Africa in name only.

*The Principle of Effective Occupation stated that powers could acquire rights over colonial lands only if they actually possessed them: in other words if they had treaties with local leaders, if they flew their flag there, and if they established an administration in the territory to govern it with a police force to keep order.*²⁸⁸

This principle would have been recognised in the 19th Century German colonies in the Pacific, which were based primarily in Samoa, but which included north eastern New Guinea, the Bismarck Archipelago, the northern Solomon Islands, including Bougainville, the Marshall Islands as well as Carolines, Palau and the Marianas.

Pacific governance

Although it was written with colonial administration in mind, from a governance perspective, the *Principle of Effectivity or Effective Occupation*, is a good benchmark from which to measure the basic provision of administration by all governments. Rather than 'treaties with local leaders', the 'social contract' with the community, is a more relevant term for contemporary observation related to police and policing. Noteworthy is the mention of the ability to administer the territory and the requirement for police to keep order.

This has not always been a strong feature of governance and policing in a number of nations in the South West Pacific, the Solomon Islands and Papua New Guinea in particular, each of which has a section of its own in the thesis. From aspirational possession by Balboa, and effective administration by European colonisers, to contemporary dialogue and aspirational partnerships in the post-colonial environment, the nations of the South West Pacific have traditionally sought assistance for governance from liberal-democracies such as Australian and New Zealand. Building on experience in East Timor and the Solomon Islands, police capacity development was seen as a way forward in other parts of the Pacific. The combination of the Australian national interest and international good citizenship as it applies to the region, are highly prominent features of the AFP approach to the Pacific.

Until the Howard Doctrine, the AFP had a loosely coherent approach to the Pacific starting with the South Pacific International Liaison Officer (SPILO), which was part of the International Liaison Officer Network. As discussed, following significant AFP involvement in East Timor and the Solomon Islands, there was an increasing recognition that the AFP was in a position to play an important role in stability and rule of law interventions in the South West Pacific.

²⁸⁸ *The Berlin Conference of 1884-85 (The General Act of the Berlin Conference).*
<http://originalpeople.org/berlin-conference-1884-85/>

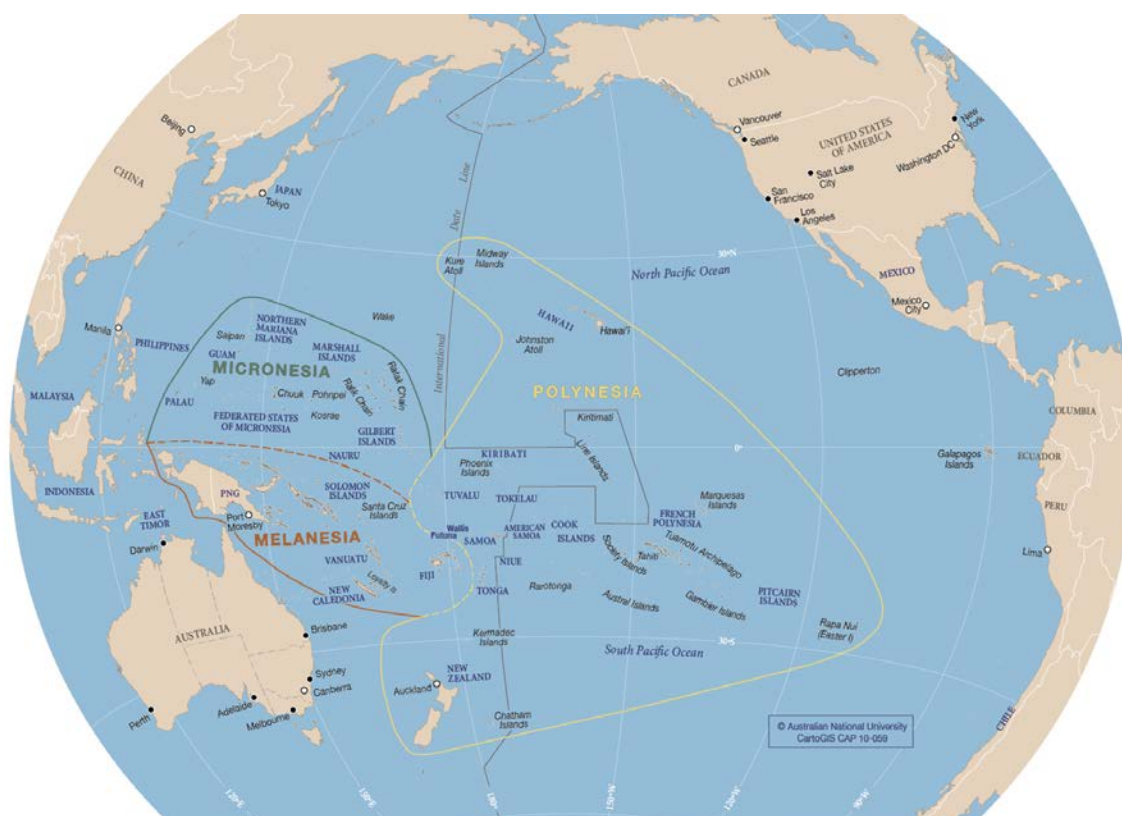


Figure 8. Map of the Pacific Ocean

Source: Australian National University CartoGIS 10-059

From the Pacific Regional Policing Initiative to the Pacific Police Development Program

The years 2004–2008: The Pacific Regional Policing Initiative (PRPI)

The year 2004 saw the effective implementation of the Howard Doctrine, with the establishment of the JCLEC, to respond to Islamic violent extremism in South East Asia, and the IDG to support ongoing operations in Timor-Leste and the newly formed RAMSI. The year 2006 was one in which the dynamics of the Pacific created the catalyst for a renewed focus on peace, order and good governance in the Pacific, as the Arc of Instability lived up to its name. The reaction by the Australian Government under Prime Minister John Howard, involved the AFP in a multifaceted and ongoing engagement.

At the Pacific Islands Forum in August 2003, the Prime Ministers of Australia, New Zealand and Fiji announced the creation of Australian-led Pacific Regional Policing Initiative (PRPI). This was to be based in Fiji and was intended to enhance capacity to address crime and corruption, coordinate and deliver standardised training for regional police, and foster police networking across the Pacific. Significantly this initiative included Fiji, however events in late 2006 had a follow on impact for the PRPI, and the transfer of regional policing for the Pacific from Fiji to

Australia, specifically the IDG. This manifested itself in a renewed sense of Melanesian identity in the form of the Melanesian Spearhead Group, based in Fiji.

The Year 2006 – The Howard Doctrine faces challenges in the Pacific

Melanesian Spearhead Group (MSG)

The Melanesian Spearhead Group (MSG) has its genesis in a renewed sense of unity among the members of Melanesian nations, Fiji, Vanuatu, the Solomon Islands, Papua New Guinea and the French territories in the form of the Front de Liberation Nationale Kanak et Socialiste (FLNKS), a group of pro-independent parties in the French Territory of New Caledonia. The first MSG member to flex its muscles against Australian-led intervention aimed at better governance, including an attempt to tackle political corruption was Papua New Guinea.

Enhanced Cooperation Project (ECP) – Papua New Guinea 2005

In 2005, the AFP deployed 115 AFP members to Papua New Guinea (PNG), under the Enhanced Cooperation Program (ECP). This saw AFP members working alongside their Royal Papua New Guinea Constabulary (RPNGC) counterparts in an armed executive policing role. This involved the legal indemnity from prosecution under PNG law, and also provided legal immunity from civil prosecution in what is a highly litigious population. This aspect of the program was successfully appealed by Luther Wenge, Governor of Morobe Province to the PNG Supreme Court, and on the basis that it was unconstitutional the ECP wound up, and AFP members returned to Australia in May 2005. The ECP will be discussed in more detail in a later section.

Solomon Islands – Prime Minister Sogavare and Julian Moti 2006

The next MSG member to flex its political muscle was the Government of the Solomon Islands under Prime Minister Manasseh Sogavare. The appointment of Snyder Rini as Solomon Islands Prime Minister, after the 2006 general election, sparked rioting in Honiara, amid allegations that the election and subsequent appointment of Rini were 'fixed'. As tensions escalated, parts of Honiara were razed and looted, with Chinese-owned property targeted. He was replaced by Manasseh Sogavare, who had previously served a term as Prime Minister in 2000-2001, at the very time much of the government predation was occurring.

Sogavare was known to be opposed to the presence of RAMSI, perhaps due to the fact that RAMSI had commenced addressing some of the corruption, fraud and theft, which had caused the 'tensions'. He sought to install a Fijian born QC who was a dual Solomon Islands and Australian citizen, Julian Moti QC as his Attorney-General. The appointment was opposed by the Australian Prime Minister and Foreign Minister, based on advice from the Australian High Commissioner to the Solomon Islands, who had indicated that Moti was unfit to take this office, due to outstanding criminal charges from a court in Vanuatu, which were also contrary to

Australian criminal legislation, under the *Child Sex Tourism Act*. The allegations involved multiple charges of rape of a teenage girl in Vanuatu and New Caledonia in 1997.

Attempts to have Moti extradited from the Solomon Islands had failed. On 29 September 2006, Moti was returning to Honiara from India via Singapore and Port Moresby. He was returning to support Prime Minister Sogavare, who was facing a no-confidence motion. He was arrested in October 2006 in Port Moresby, while in transit to the capital Honiara, where he was to be sworn in as Attorney-General by his close friend and then Prime Minister, Manasseh Sogavare.

Moti was held in PNG unwillingly and illegally by virtue of the express authority of the PNG Deputy Prime Minister Don Poyle, who was acting for Prime Minister Sir Michael Somare who was away in the Provinces at the time. An attempt to have him extradited to Australia from PNG to face criminal charges, saw him take refuge, under diplomatic protection, in the Solomon Islands High Commission in Port Moresby. Whilst there he was contacted by the Chief of the Intelligence Branch at the Office of the then Prime Minister, Joseph Assaigo, who informed him that the PNG Government could no longer guarantee his safety, and that a secret operation had been planned.

On 10 October 2006 Moti was conveyed on a clandestine PNG Defence Force flight from Port Moresby to Munda in the Western provinces of the Solomon Islands. According to Dr Susan Merrell in the PNG Echo *'He had been dumped in the middle of Papua New Guinea police armed with machine guns who were confronted by a RAMSI Land cruiser obstructing the runway. The Australians were waving revolvers and shouting threats.'*²⁸⁹ He was conveyed to Honiara.

In the meantime the Australian High Commissioner Patrick Cole, was declared persona non grata in September 2006 by the Sogavare Government. This was to be followed in December 2006 by RSIP Commissioner Shane Castles, who had been seconded from the AFP to take up this position in 2005. The existing tensions between the Governments of the Solomon Islands and Australia were aggravated by actions taken by the RSIP under Commissioner Castles, with assistance from the RAMSI PPF, including some Australians. They had obtained search warrants and searched the office of the Solomon Islands Prime Minister seeking to obtain evidence for the prosecution of Moti.

Commissioner Castles declared an 'undesirable immigrant' December 2006

Mr Castles was declared an undesirable immigrant in late December 2006, when he was on leave in Australia. He never returned to the Solomon Islands. The Foreign Affairs Minister for the Solomon Islands, Mr Patterson Oti, indicated that the return of Mr Castles *'... would be*

²⁸⁹ Merrell, S (2016) *The PNG Judiciary – The power and the glory* – Part two. Dr Susan Merrell PNG Echo 30 March 2016 <http://www.pngecho.com/category/uncategorized/page/2>

*prejudicial to peace, defence, public safety, public order, public morality, security and good governance in the Solomon Islands.*²⁹⁰

This created some consternation in Canberra. National Manager of IDG Assistant Commissioner Paul Jevtovic stated in a Media Release on 12 January 2007:

*In relation to the search warrant on offices associated with the Prime Minister, a search warrant was sought through the Director of Public Prosecutions and issued by an independent Magistrate, who authorised the police action. The process to issue the search warrant and the subsequent search of the Prime Minister's Office complied with the laws of the Solomon Islands in all respects.*²⁹¹

Prime Minister Sogavare replaced by Prime Minister Sikua December 2007

In December 2007, Prime Minister Sogavare was replaced in a parliamentary no-confidence motion by Prime Minister Derek Sikua, who was well disposed to the presence of RAMSI and the Australian Government generally. The incoming Australian Government of Prime Minister Kevin Rudd, elected in November 2007 supported the extradition of Moti to Australia to face criminal charges in the Supreme Court of Queensland. In a media interview on 13 December 2007, Prime Minister Rudd stated:

*on the question of the Moti matter, the position of the Australian Government is absolutely clear cut. This individual is the subject of criminal charges and because of the application of Australian domestic law; we have activated our extradition arrangements with the Government of the Solomon Islands. Nothing has changed on that score. We therefore intend to prosecute that to the full. The reason being is that the normal operation of the criminal law of the Commonwealth of Australia, and through its properly constituted agencies, including the Australian Federal Police, international extradition arrangements should proceed unimpeded and that will remain our position.*²⁹²

Extradition of Julian Moti

In December 2007, Mr Moti was extradited to Australia, and was bailed, to face criminal charges in the Supreme Court of Queensland, where his case was heard by Supreme Court Judge Debra Mullins in December 2009. Justice Mullins ruled against Mr Moti's claims that the investigation and prosecution, under the Child Sex Tourism Act, was politically motivated by the then Howard government's fears of the lawyer's growing backroom influence in the region. Justice Mullins acknowledged that the investigation had commenced after concerns raised by Australian High Commissioner to the Solomon Islands, Mr Patrick Cole. She stated: '*There is no evidence of any*

²⁹⁰ <http://www.abc.net.au/news/2006-12-27/solomons-shuts-out-police-chief/2162076>

²⁹¹ *AFP refutes claims made about Solomon Islands police commissioner*, AFP Media release, 12 January 2007.

²⁹² Media interview, Prime Minister Kevin Rudd, Bali, 13 December 2007.
pmtranscripts.pmc.gov.au/release/transcript-15706

*impropriety associated with the AFP's approach to the investigation of the conduct of (Mr Moti) that is the subject of the charges...'*²⁹³

However, she also raised some concerns about the way in which the AFP provided funding to support the family of the victim of the original crimes and the prime witness. She further stated:

*[i]t raises questions about the integrity of the administration of the Australian justice system, when witnesses who live in a foreign country, where it is alleged an Australian citizen committed acts of child sex abuse, expect to be fully supported by the Australian government, until they give evidence at the trial in Australia of the Australian citizen ... The conduct of the AFP in taking over the financial support of these witnesses who live in Vanuatu is an affront to the public conscience.*²⁹⁴

This led to a series of legal cases that culminated in a permanent stay of prosecution by the High Court of Australia in 2011.²⁹⁵ The PNG Echo stated that 'It was 'abuse of process' that the High Court of Australia found when it granted a permanent stay of prosecution to Moti at the end of 2011, on the regurgitated Australian charges of sex with a minor that the Vanuatu courts had thrown out over a decade previously. In December 2014, Manasseh Sogavare was again elected Prime Minister of the Solomon Islands, and remains in office at the time of writing in mid- 2017, which is when RAMSI wound up after 14 years.

Timor Leste–Dili riots July 2006

As all of these events were taking place in the Solomon Islands, another incident to test the resource base of the IDG, was not in the Pacific but in Timor Leste in July 2006. This saw approximately 50 AFP IDG members deploy in a Public Order Management (POM) capacity to assist the ADF, who had deployed under Operation Serene. Rioting broke out following the dismissal of 600 soldiers from the Timor Leste Defence Force.²⁹⁶

Operation Tokoni – Tonga November 2006

This outbreak was followed by riots in the Tongan capital Nuku'alofa. On 16 November 2006, approximately 750 to 1000 people rioted in the Tongan capital of Nuku'alofa, following a period

²⁹³ *Moti case thrown out as judge slams AFP over witness payments.* Michael McKenna, Sarah Elks. The Australian. 16 December 2009

²⁹⁴ <http://www.theaustralian.com.au/news/moti-case-thrown-out-as-judge-slams-afp-over-witness-payments/news-story/52ec288e974a08572d883e147bfb9607>

²⁹⁵ Mullins, J. in *Moti v The Queen* (2012) 283 ALR 393

²⁹⁶ A petition by soldiers from Timor's army F-FDTL in January 2006 resulted in protests in March 2006 when 594 petitioners were dismissed from the army. A rebel group of soldiers led by Lieutenant Gastao Salsinha later joined by Major Alfredo Reinado led a rebellion. The crisis erupted into armed violence in April-May. Initial joint operations by the F-FDTL and police (PNTL) soon descended into armed clashes between the police, army, rebel soldiers and urban youth, with over 100 people being killed in 2006. This escalated beyond the capacity of the security forces and resulted in the fall of the Alkatiri Government. The impact continued in Timor Leste politics and in February 2008 there were armed attacks on President Ramos Horta and Prime Minister Gusmao, and the death of Major Reinado.

of pro-democracy protests. As a result, a large area of the capital's central business district was destroyed by fire, scores of buildings were looted and seven people died as a result of a deliberately lit fire. Properties owned by the King of Tonga, the Prime Minister and Chinese businessmen were specifically targeted. A State of Emergency was declared and the Tongan Government sought assistance from the Australian and New Zealand Governments during the evening of 16 November 2006.

Early on 18 November 2006, an initial AFP commitment of 34 personnel deployed to Tonga to re-establish law and order and to support the Tonga Police Force investigation into the criminal activity of 16 November 2006. The deployment was named Operation Tokoni, after the Tongan word for 'friendship'. A total of 65 AFP personnel deployed to Tonga between 18 November 2006 and 19 December 2006. The Contingent consisted of personnel from IDG, the Operations Response Team (ORT), AFP Forensics, The Victorian Institute of Forensic Medicine, AFP Information and Communications Technology, and AFP Protection, portfolios. This deployment formed the basis of what was to become the Tonga Police Development Program, (TPDP).

The three public order events in East Timor, the Solomon Islands, and Tonga, formed the catalyst for the formation of the Operations response Group (ORG), which performed a specialist response capability within the IDG. This was to later amalgamate with ACT Policing Special Operations Team (SOT) to become the Specialist Response Group (SRG) which became an AFP-wide asset in 2015, as the IDG was dissolved and its duties absorbed by the AFP International Operations portfolio. As the public order issues throughout 2006 attracted the attention of the AFP IDG, the situation in relation to Mr Castles as Commissioner of the Royal Solomon Islands Police was replicated by the situation of another AFP nominated Commissioner, Mr Andrew Hughes in Fiji.

Withdrawal of Fiji Police Commissioner Andrew Hughes – November 2006

The final incident in 2006 involving the AFP, which had implications for the IDG, occurred in Fiji in November and December 2006. This involved another seconded senior AFP officer, as Commissioner of the Fiji Police Force, AFP Assistant Commissioner Andrew Hughes, who assumed his position in 2003. As Commissioner of the Fiji Police Force, Mr Hughes had made sincere attempts to reconcile some of the ethnically-based differences between the indigenous Fijian population and the Indian population. He had also sought to address corruption and had been a major instigator of the Pacific Region Police Initiative (PRPI), as discussed earlier.

Mr Hughes had been nominated by the AFP following a request by the Fijian Constitutional Officers Committee. Fiji had experienced political instability and a coup in 2000 in which the Fijian military had deposed the elected government of Prime Minister Mahendra Chaudhry. This had resulted in a number of pending prosecutions and it was felt that a non-Fijian citizen would better project an image of fairness and impartiality with coup-related cases.

Mr Hughes vigorously pursued investigations impartially against high-profile citizens in relation to the coup events of 2000. His targets included chiefs and politicians, including some government Ministers. This occasionally strained his relationship with the Government of Fiji. His main area of disagreement with the government concerned the Reconciliation, Tolerance, and Unity Bill, which proposed to establish a Commission empowered to compensate victims and pardon perpetrators of the coup. Mr Hughes expressed serious reservations about the amnesty provisions, and also opposed government attempts to cap expenditure by the police and the Military. Relations between Mr Hughes and the Military Commander, Commodore Frank Bainimarama, deteriorated during 2006, to the point where Commodore Bainimarama demanded his resignation in November.

Mr Hughes was critical of the Fijian military throughout the later part of 2006. The military consequently demanded that he be sacked by the Government. *Mr Hughes had endured intense political pressure while maintaining the rule of law in Fiji, in the lead up to an eventual military coup in December. Apart from personal threats, threats were also made against the well-being of his family.*²⁹⁷ His family left in November 2006, and he followed shortly afterwards.

Fiji – Military coup December 2006

A military coup deposed the government on 5 December 2006, and on 6 December, according to the Fiji Live news service, the military junta announced that it had dismissed Mr Hughes from office, citing ‘dereliction of duty.’ However, as AFP Commissioner Keelty stated in 2007

*For a long time now the AFP has been committed to assisting the development of police forces not only in the Solomons and Fiji but also Vanuatu, Tonga, Timor-Leste, Cambodia and Asian countries. It is important to stand up for the apolitical nature of policing-it has to serve the community as well as the Government.*²⁹⁸

Unfortunately there are some political influencers in the region, in both South East Asia and the South West Pacific, to which this degree of impartiality, based on the application of an apolitical posture, remains inimical. Regional isolation of Fiji intensified in 2009, after Bainimarama failed to hold the elections he had promised or, indeed, to open any discussion about the return to democracy. In response, the Pacific Islands Forum (PIF) and the Commonwealth suspended Fiji. Fiji expelled Australia’s High Commissioner in November 2009, and New Zealand’s High Commissioner in 2010, cutting diplomatic communications to the bare minimum. This effectively spelt the end of the Pacific Region Police Initiative. The Final Report of the PRPI in October 2006 stated:

There are very mixed messages being delivered across the Pacific about policing priorities. Most Forum Island Countries (FICs) will never be in a position to have the sophistication of policing to address regional and global transnational crime

²⁹⁷ Australian Federal Police (2007) AFP Platypus Magazine No 94, p. 16.

²⁹⁸ Australian Federal Police (2007) AFP Platypus Magazine No 94, p. 16.

*problems. The primary focus of support for capacity development is at the basic functions of community policing: Pacific government budgets are unlikely to afford anything more. Other arrangements are necessary to ensure FIC access to other specialist police services when they are required.*²⁹⁹

The key Stakeholders' Group (KSG), comprising representatives of AusAID, NZAID, Fiji Government, PIFS, PICP, AFP, New Zealand Police (NZP) and PRPI. Five years after its inception, as the Pacific Regional Police Initiative (PRPI) at the Pacific Islands Forum in 2003, the AFP IDG established the Pacific Police Development Program (PPDP) in 2008, which adopted many of the same objectives as the PRPI, and much of the same membership, with the notable exception of Fiji.

The Year 2008 – The IDG establishes the Pacific Police Development Program (PPDP)

As the PRPI could no longer be based in Fiji, due to the ongoing political instability, and Fiji's exclusion from the Pacific Islands Forum, the AFP IDG established the Pacific Police Development Program (PPDP). This was a joint initiative between the AFP and the Attorney-General's Department in close cooperation with Australia's development agency, AusAID. It was designed to provide a more coherent Australian response to police development needs in the Pacific with the intention of providing police to police assistance to improve the rule of law in the region.

PPDP has two broad components which incorporate country-specific programs in Nauru, Papua New Guinea, Samoa, Tonga and Vanuatu, as well as a regional component, the Pacific Police Development Program-Regional (PPDP-R). The latter provides country-specific support on a fly-in-fly-out basis to the remaining members of the Pacific Islands Forum countries: Kiribati, Niue, Tuvalu, The Republic of the Islands (RMI), Palau, Cook Islands and the Federated States of Micronesia (FSM).

PPDP-R is designed to meet the specific needs of the seven host nations and incorporates an ability for joint planning and resource sharing. It has two primary outcomes: (1) the encouragement of legitimacy and accountability within the host country police, and (2) increased capacity for law and justice agencies to operate within legal frameworks which are just, effective and support the rule of law.

PPDP-R has provided funding and technical advisory support to PICP established working groups including the Forensic Working Group, Cyber Safety Pasifika, the Pacific Policing Training Advisory Group (PPTAG), the Pacific Islands Chiefs of Police (PICP), the Women's Advisory Network and the Pacific Prevention of Domestic Violence Program (PPDVP), which is managed

²⁹⁹ https://www.mfat.govt.nz/assets/Aid-Prog-docs/Evaluations/backup_from_uat/Mid-term-Review-Pacific-Regional-Policing-Initiative.pdf

by the New Zealand Police and start-up funding for the Pacific Police Information Technology Program Working Group.

Training supported by PPDP-R includes police leadership courses specifically delivered to future and current female police leaders, management of investigations, basic intelligence, sexual offences first response and community engagement. PPDP-R also provides assistance in the reform and development of corporate policy, planning and legislation and has worked collaboratively with AGD's International Legal Assistance Branch in relation to the review, reform and implementation of police enabling legislation.³⁰⁰

Samoa-Australian Police Partnership (SAPP) 2009

The AFP took responsibility for the management of the Samoa-Australia Police Partnership (SAPP) from AusAID on 1 January 2009. On 1 August 2009, the AFP deployed the first Project Manager to Samoa who in consultation with the Commissioner of the Samoa Police and Prison Service (SPS) and other key stakeholders, initiated the development and implementation of the Samoa – Australia Police Partnership, Strategic Framework 1st January 2010 to June 2012. The SAPP is staffed by three members of the AFP.

This Framework focussed on three key objectives: (1) improved public safety by strengthening general policing and investigative capacity; (2) improved police responsiveness to community perceptions; (3) improved corporate and administrative support capacity to underpin Samoan Police Service operations. Much of this administrative support was captured by the introduction of a crime reporting system and case management system within the Criminal Investigations Department and the Professional Standards Unit. Police responsiveness was encouraged by members of the SPS attending training course such as Emergency Management and Executive Development Program, with the support of the Australian Institute of Police Management (AIPM), to strengthen police management, encourage change and to improve police performance. Media Skills Workshops were conducted to positively shape community perceptions of the police through improved media management and response.

Qualifying courses at the Constable and Sergeant levels were also introduced. Name plates were introduced for police to enhance accountability, and a law reference book was compiled and distributed to members so they can better informed of their powers and important legislation. An enhanced Police Code of Conduct, both in English and Samoan was also promoted throughout

³⁰⁰ With large Exclusive Economic Zones (EEZ), and a minimal capacity to patrol and enforce them, these nations are subject to illegal exploitation of fishing mainly by vessels based in Asia. The AFP in tandem with the ADF Pacific Patrol Boat Program, provides tuition on how to prosecute offenders and seize their vessels under the rule of law, and helps to protect their resources.

the SPS. In September 2011 the PPDP funded a Forensic Laboratory and a Pacific Automated Fingerprint Identification System.

The SAPP continues to focus on more advanced police capability development in areas such as investigative capacity, brief preparation and case management, police responsiveness, police visibility, customer service, training, information management, intelligence, inter-agency communication and coordination (including disaster management), performance management, executive development, media management, traffic management and radio communications. Noteworthy is the fact that the Pacific Transnational Crime Network (PTCN), formed in 2004, and discussed below, has its headquarters in Samoa.

Vanuatu Australia Police Project (VAPP) 2011

The Vanuatu Australia Police Project (VAPP), is a ‘whole of government’ project aimed at providing support to the Vanuatu Police Force (VPF). The project commenced in February 2011, following the conclusion of the Vanuatu Police Force Capacity Building Project. This was a partnership between the AFP, AusAID (DFAT), the Government of Vanuatu and the Vanuatu Police Force (VPF).

The aim of the project is to provide support to VPF and build and develop capacity of the VPF to assist and provide members with the tools and resources to effectively carry out their duties. This has included the provision of training and development courses, including Middle Management Courses at the Australian Institute of Police Management (AIPM) in Sydney, the modernisation of VPF communications system, the construction of police buildings, the provision of a 12 metre police vessel as well as several police vehicles. The support has also included improved governance procedures and processes relating to finance, budgeting, workforce planning, and police accountability as well as improved firearms control.

Pacific Islands Chiefs of Police (PICP)

The Pacific Islands Chiefs of Police, of which the AFP Commissioner is a member, has responsibility for various police programs in the Pacific with certain nations assuming lead responsibilities. These include the Pacific Forensic Working Group (Federated States of Micronesia), the Pacific Transnational Crime Network (Samoa), the Pacific Police Training Advisory Network (Palau), Cyber Safety Pasifika (Australia), Women’s Advisory Network (French Polynesia), Pacific Police Domestic Violence Program (Niue), Pacific Police Crime Prevention Program (Cook Islands), Pacific Police Information and Technology Program (Solomon Islands).

Pacific Transnational Crime Network (PTCN) 2004

In addition to the formation of JCLEC and the IDG, the year 2004 also saw the establishment of the Pacific Transnational Crime Network (PTCN), in which the AFP plays a significant role. Based in Samoa the PTCN and its coordination centre, the Pacific Transnational Crime Coordination Centre (PTCCC) links Transnational Crime Units (TCU) in each member country and collects, analyses, and disseminates criminal intelligence. It thus provides a proactive intelligence network for Pacific police agencies, including the AFP. This sort of operational cooperation in the South West Pacific region is important in a constantly changing global criminal environment, which poses an increased threat to Pacific island nations as well as Australia. The sort of criminal activity targeted by the PTCN includes narcotics trafficking through the region, fraud, money laundering, illegal resource exploitation, and irregular people movements.

The membership of the PTCN consists of Vanuatu, PNG, Fiji, Samoa, Tonga, FSM, Palau, Marshall Islands, Commonwealth of Northern Mariana Islands, Solomon Islands, Kiribati, Cook Islands, Niue, Australia, New Zealand and the United States. It links Transnational Crime Units in each country with the broader global law enforcement network via its links with the AFP, NZ Police and significantly with the U.S. Joint Inter Agency Task Force West (JIATF-W) based in Hawaii. JIATF-W links directly into the extensive U.S. global law enforcement network. It has links to the Pacific Islands Forum Secretariat (PIFS), Oceania Customs Organisation (OCO), Pacific Immigration Directors Conference (PIDC), and the ADF-funded Pacific Patrol Boat Program (PPBP). The AFP also provides PTCN advisors to the PTCCC in Samoa, PNG, Fiji and the Pacific Island Chiefs of Police (PICP) Secretariat. This provides a vital regional Pacific linkage into the AFP's criminal intelligence network. This is an example of the new diplomatic networks advocated by Slaughter.

Pacific Police Training Advisory Group (PPTAG) 2011

In 2011, the AFP formed the Pacific Police Training Advisory Group (PPTAG), which seeks to address holistic training needs for the region, and works in conjunction with the PPDP-R. One of the major programs involves 'Cybersafety Pasifika' which is *'a youth project aimed at developing knowledge around cyber-crime and safety matters with an emphasis on internet and technological devices. The mission of CSP is to ensure that the children of the Pacific will be safe and secure by providing them with the skills and knowledge to navigate the digital landscape safely and responsibly.'*³⁰¹

³⁰¹ Cybersafety Pasifika pamphlet-AFP 2017. This program is based on another AFP cyber safety program called ThinkUKnow, targeted at school-aged children and their parents in the ACT.

Is this diplomacy by default?

The diplomatic qualities enunciated by Copeland and Meyer were amply demonstrated during the period between the bombings in Bali in 2002, and the closure of the RAMSI mission in the Solomon Islands in 2017. Diplomatic activities of communication, including negotiation and reporting featured heavily in both of these international engagements. The response and joint investigations between the AFP and INP, with other international police, in response to the Bali bombings, involved a great deal of negotiation and reporting, and served to cement personal and professional relationships between police members. This is a very good example of the different way in which police relationships work outside of the political, military or even traditional diplomatic frameworks. The way in which police can cooperate and collaborate on a common task, to the betterment of their respective communities, despite cultural and language differences, is demonstrative of Slaughter's '*new diplomacy*'. The response to the Bali bombings in October 2002 was aptly called *Operation Alliance*.

Commander PPF Ben McDevitt's letter to Harold Keke, upon the arrival of RAMSI in 2003, although old fashioned, ended with a peaceful end to the militancy, and paved the way for an eventual return to sovereignty in the Solomon Islands, from the brink of state collapse. The AFP was not only a participant in this mission, it was the lead security agency, and approached the armed militants as 'criminals' rather than as 'enemies', and the resolution was achieved through a voluntary and peaceful submission to justice. The follow on investigation saw 'justice being done and being seen to be done', which served to re-instate community trust in its institutions. The RAMSI intervention was given the operational name Operation 'Helpem Fren', because that is exactly what the mission was intended to do-help a friend. The involvement of the Pacific Islands Forum, and the PPF nations, at the insistence of Prime Minister Howard, was an inspired piece of regional diplomacy. The creation of the International Deployment Group, to service the RAMSI mission and the East Timor missions, provided the basis for greater police engagement in the Pacific.

The primary mission objectives of *Operation Alliance* were immediate response and the eventual bringing of the offenders to justice. This was achieved through networking and collaboration between police professionals, and is very much in accordance with Slaughter's concept of vertical and horizontal networking, as advanced by Slaughter as '*new diplomacy*'. The return to full state sovereignty in the Solomon Islands is very much in accordance with the 'replication on international society' as advanced by Jonsson and Hall as a feature of diplomacy.

The instrumental role played by the AFP and its members in both Operation Alliance and Operation Helpem Fren, are demonstrative of all of the individual qualities as listed by Copeland and Meyer, and of the diplomatic activities as outlined by Jonsson and Hall, and reflect the '*new diplomacy*' as advanced by Slaughter. It is this period, and these engagements, which form the

firm foundations upon which the claim that the AFP performs ‘*diplomacy by default*’ can be based.

Summary and conclusion

The AFP has made a significant contribution into stabilising what was once referred to as Australia’s ‘*Arc of Instability*’. This success is based on myriad reasons including implicit overarching direction from successive U.S. administrations, an acknowledgement that some of the issues facing sovereign governments in the region were beyond the capacity of existing resources, and a resultant willingness to reach out to a neighbour and seek assistance, and the confidence of Australian Governments in the AFP to deliver. This involved the AFP adopting culturally appropriate approaches and strategies which, in the case of RAMSI, involved a ‘*Pacific face*’ with Australian training. This is a *force multiplier*, as Pacific police members gained training, experience and contacts which they returned to their own nations with. The IDG concept was ‘*platinum standard*’, but was expensive and poorly understood by more operationally focussed AFP executives. Combined with the opprobrium attached to successive deployment to PNG and Afghanistan, discussed in the next chapter, for which it was neither designed nor intended, the IDG concept fell afoul of restricted funding and political inertia.

Australia has had, and continues to have, direct and indirect interests in the South West Pacific region, related to a vested interest in ongoing stability, security, good governance and economic prosperity. In some counties in the region, cultural, social, economic, gender, security and governance issues, continue to hamper sustainable development. If not addressed, these could undermine stability in the region, and have the potential to create conditions which could be exploited by malicious state and non-state actors, including criminal elements, requiring future interventions.

The 2013 Australian Defence White Paper stated that the:

*region’s big strategic challenges will last for decades and their mismanagement could have significant consequences. Regional forums and multilateralism have proven well worth nurturing, even if they remain a modest supplement to long-practised bilateral statecraft.*³⁰²

Police capacity development programs run by the AFP, and participation in a wide range of police-related for a, have played a significant role in this form of multilateral and bilateral statecraft. With a change in government in Canberra, from Prime Minister Howard to Rudd, came a change in foreign policy strategy and the deployment of AFP IDG members to missions where

³⁰² *Defence White Paper 2013*, Commonwealth of Australia, 2013.

expectations were high and difficult to meet, with the resultant adverse impact on political support.

Chapter 5: Police in Challenging Environments – Closer to Home and Further Afield

Overview

This chapter explains the way the AFP is well positioned within government law, intelligence, and security circles in the Australian and international contexts. It will be demonstrated how the AFP has shown itself as capable and ready to respond effectively, to extant and emerging conflicts and challenges, and as such has earned a place in foreign policy discussions and considerations, at the highest diplomatic levels, including the United Nations. This assertion is supported by case examples of international deployments in Papua New Guinea, in Afghanistan and in response to the downing of Malaysian Airlines MH17.

Section 1: Papua New Guinea – Early colonialism

Bismarck's principle of effective government

The Berlin Conference which resulted in the *Scramble for Africa*, was called for by Portugal and organised by Otto von Bismarck, the German Chancellor. One of the principles to emerge from this conference was the *Principle of Effective Occupation* for European powers, which as previously discussed could acquire rights over colonial lands, only if they actually possessed them, namely if they had treaties with local leaders, if they flew their flag there, and if they established an administration in the territory to govern it with a police force to keep order.

Although it applied to the European colonisation of Africa, the metaphorical and practical application of this principle in relation to law, justice and policing, and their relationships with peace, order, good government and prosperity, should not be overlooked in the post-colonial setting in the South West Pacific. This is of particular relevance to Papua New Guinea, as the north eastern quadrant of the island of New Guinea was actually colonised by Germany in the 1880s, and the Principle of Effective Occupation would have been directly relevant to that territory. The German administered territory was policed by the New Guinea Police Force. The south eastern quadrant, known as Papua, was administered by the British until 1905, when it changed from British to Australian administration. It was policed by The Royal Papuan Constabulary.

The German Territory, then known as New Guinea, was ceded to Australia following the Treaty of Versailles in 1919, under a League of Nations mandate in 1920, and joined the south eastern quadrant, Papua, which had been reluctantly colonised under the British Crown. This followed precipitous action by the colonial Government of Queensland in the 1880s, due to alarm at

German activities in the region. Once amalgamated, they became the Australian Territory of Papua and New Guinea (TPNG), and eventually the new nation of Papua New Guinea upon gaining independence in 1975.

The Australian Territory of Papua and New Guinea (TPNG) and the ‘kiaps’

Policing during the period between 1945 and 1975, was done via Australian Patrol Officers, known as ‘*Kiaps*’, a pidgin term derived from the German word for captain, (kapitän). In all, about 2000 young Australian males performed duties as Patrol Officers in the Australian Territory of Papua and New Guinea. Prior to taking up their posts, they were trained at the Australian School of Pacific Administration (ASOPA) in Sydney.

*In the field, kiaps juggled the multiple roles of ambassador, policeman, judge, administrator, explorer, farmer, engineer and anthropologist. Away for weeks at a time, kiaps patrolled vast areas on foot with the help of an indigenous police force.*³⁰³

A recruitment advertisement from 1959, provides a snapshot of an era offering positions for ‘Cadet Patrol Officer; Cadet Agricultural Officer; Cadet Veterinary Officer; Cadet Education Officer; Cadet Forest Officer; Cadet Valuer; Co-operative Officer-in-Training, and Clerk’, to male British Subjects aged between 18 and 24. ‘...they were administrators, census takers, policemen, magistrates and gaolers. Some were required to go on arduous patrols into unexplored territory. At times it was dangerous work...’³⁰⁴. The kiaps were assisted by the amalgamated native police forces, the New Guinea Police Force, in the north, and the Royal Papuan Constabulary in the south. These were later amalgamated to form the Royal Papuan and New Guinea Constabulary (RPNGC) upon independence in 1975.

Independence 1975

The kiaps ceased duties in 1975, with independence and the RPNGC assumed primacy. It could be argued that since independence in 1975, Papua New Guinea has not demonstrated ‘effective occupation’, and in terms of governance, has seen a gradual, but consistent decline in internal security and stability, an eroded standard of living, and chronic neglect of basic services such as health and education, as well as law and order. This has occurred despite sincere and costly efforts on the part of international aid donors (including the Australian Government and its taxpayer base), to assist the human development of the people of PNG, the economic and social development of PNG as a nation, and its placement in the global community of nations.

³⁰³ <http://www.naa.gov.au/collection/snapshots/find-of-the-month/september-2010.aspx>

³⁰⁴ Recruitment advertisement: Australian Department of Territories in 1959. (NAA: A452, 1959/4654) <http://www.naa.gov.au/collection/snapshots/find-of-the-month/september-2010.aspx>

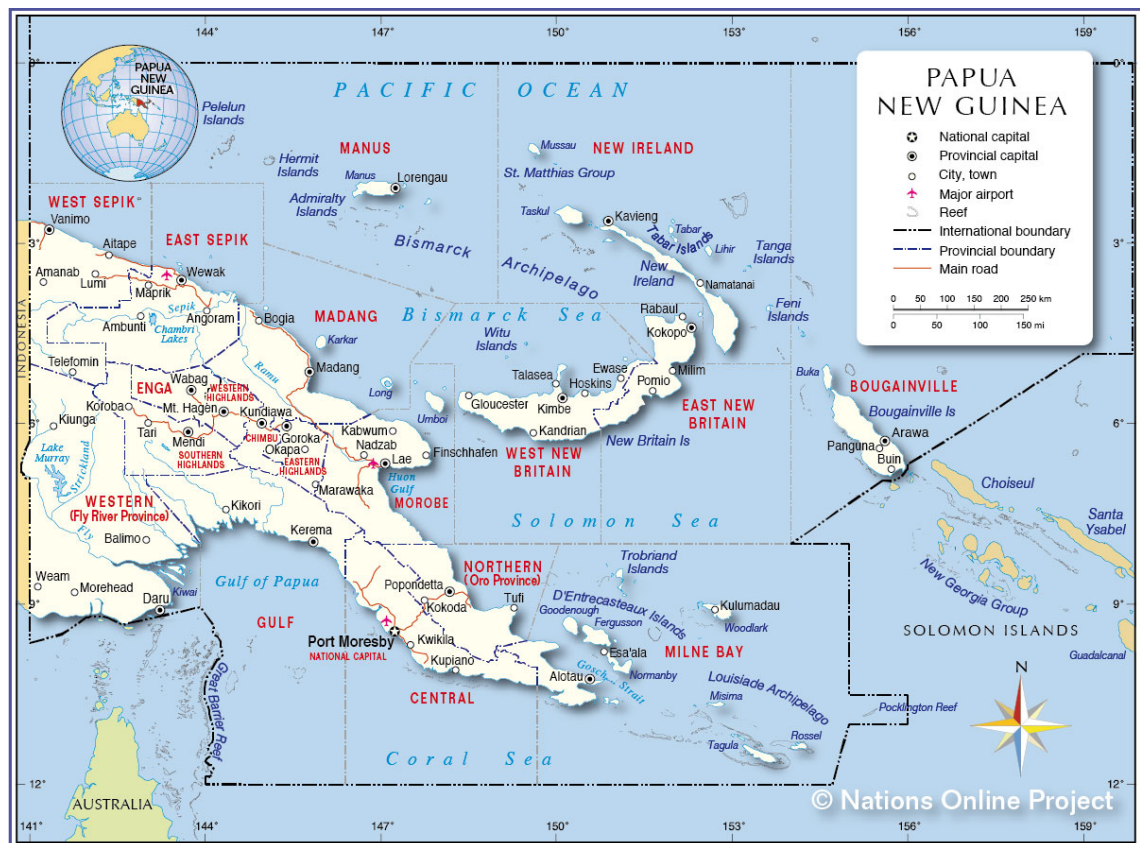


Figure 9. Map of Papua New Guinea

Source: Nations Online Project

Urbanisation

In concert with other parts of the Pacific, particularly in Melanesia, rapid urbanisation and increased crime rates have exacerbated an already extant disparity situation between rich and poor. This urban drift started in the immediate post-independence era, when large groups of males from rural areas moved to urban centres seeking employment. In a familiar pattern, a lack of work and pressure on general facilities, unable to handle this influx, resulted in the development of squatter camps. As the squatter camps continued to grow, due to the high rate of unemployment, low education levels and boredom, they provided a steady stream of recruits to criminal gangs which became known as '*raskol*' gangs.

This provided disenfranchised youth with a sense of worth and belonging within the existing and culturally accepted '*wantok*' hierarchy. This extended into various government organisations including the police and military, as well as into mainstream politics providing a pool of thugs for hire for use in extortion, robbery, bribery and other violent and predatory crimes. These include vandalism, theft, physical violence, racial attacks targeting foreigners, violent sexual attacks and mutilation, drug taking, murder, extortion and armed robbery.

Crime

Law and order in PNG remains a serious issue, and PNG is seemingly at a constant risk of breaking down completely into a state of anarchy. Corruption is endemic, often masked by the '*wantok*' culture, which is widely accepted as a part of the PNG tribal-based culture. This has an impact not just upon the long-suffering law abiding members of the community, but also to the risk-based decisions relating to foreign investment. A Special Report by ASPI in 2014 lists five broad areas of crime: (1) violence against women; (2) corruption; (3) public order; (4) crimes against the person and property; and (5) transnational crime and money laundering.³⁰⁵

Many of the drivers underpinning this combination of criminal activity include, culturally accepted or ingrained behaviours, particularly in relation to violence against women, corruption and public order. PNG is a male-dominated culture, and as a consequence, the RPNGC is a male-dominated culture. This is highly problematic, and difficult to address by cultural outsiders, without risking exposure to accusations of cultural imperialism. This is not to say that international police should not or cannot attempt to address these issues, quite the contrary, but strategies designed to do so, need to factor in the cultural aspects of a male-dominated, 'warrior' culture, and work towards changing male behaviours, as well as championing the cause of inclusiveness of women's participation in community activities including policing. Such changes

³⁰⁵ Connery, D. and Claxton, K. (2014) *Shared interests, enduring cooperation: The future of Australia-PNG police engagement*. ASPI Special Report. October 2014.

are unlikely to take place in the short-term, and are likely to be resisted by an entrenched patriarchy.

Corruption is endemic and pervasive, and can often be masked by the ‘wontok’ culture. Inaction by the authorities, such as the police, to seriously address such issues, has led to a culture of impunity and the inevitable culture of violence. This has a negative impact on investor confidence, and therefore upon the prospects of enhanced peace and prosperity. Transparency International, rates PNG as ‘highly corrupt’ and ranks it among the bottom third of nations surveyed.³⁰⁶

Similarly, the Asia-Pacific Group on Money Laundering used a standard comparative assessment to report in 2011, that PNG faces very serious risks from money laundering (ASPI, 2010). The World Bank rated Port Moresby and Lae, two of the unsafest cities in the world in 2010, on the basis of their 33 and 66 homicides per 100,000 inhabitants, respectively. Regular surveys of community, business and investor confidence, as well as academic studies, support widespread perceptions that the country is badly affected by violence and crime.³⁰⁷

Tribal violence is a serious issue, but appears to be in a different category from the urban thuggery perpetrated by the ‘raskol’ gangs in Port Moresby and Lae, but the lines appear to be blurred, particularly in the urban fringes. Connery and Claxton point out

*Large fights, mainly over land issues that may go back decades, involve hundreds of warriors using military, high-powered and homemade guns. Intergroup clashes on the outskirts of cities and towns stem from friction as newer settlers from ‘outside’ groups are blamed for taking work and causing crime.*³⁰⁸

One result of this combination of widespread corruption, and semi-officially sanctioned crime is that there is widespread cannabis cultivation, particularly in the Highlands. The AFP, with the RPNGC, has intercepted, investigated and prosecuted numerous attempts at importation of narcotics, and other contraband from PNG to Far North Queensland, by light aircraft and vessel. This area is remote, and as such police resourcing is very thin on the ground. The AFP has offices in Cairns, and two officers posted on Thursday Island in the Torres Strait, the narrow waterway between the tip of Cape York Peninsula in Far North Queensland, and the Southern Province of Papua New Guinea, which is only about 100 kilometres wide and is populated by a number of islands, known as the Torres Strait Islands. The ability for Australian authorities to detect and respond to criminal activity in this remote region, is extremely challenging. In part, effective

³⁰⁶ <https://www.transparency.org/country/PNG>

³⁰⁷ Connery and Claxton (2014), p. 3.

³⁰⁸ Connery and Claxton (2014), p. 6.

Australian border control relies on timely and accurate reporting between the AFP and RPNGC, which is fostered through peer-to-peer relationships.

Cape York Peninsula and the Torres Strait

The Department of Immigration and Border Protection is also active in the area. The Queensland Police Service also has members posted to police stations on Thursday Island in the Torres Strait and throughout Cape York Peninsula. Their primary role is community-based policing, rather than border protection. Therefore, a deterioration of circumstances in PNG has direct implications for Australia, due to its proximity and the regional vulnerability to covert border penetration. It need not necessarily be narcotics which are being imported. It may be items, such as bio-hazards or people, such as terrorists, with the potential to cause serious harm to the Australian community, particularly through threats to the agricultural economy by bio-hazards. A state of lawlessness, or a state where malign non-state actors, such as organised crime groups, hold influence over affairs in PNG, increases the risk of such activities impacting upon Australia.

This is compounded by the possibility, which has influenced Australian strategic thinking on PNG since the Germans in the 1880s, that a state power whose interests are inimical to Australia's, having influence in PNG, poses a direct threat to Australian sovereignty. This nearly came to pass in the 1940s with the expansion of Imperial Japanese forces in the region. As ASPI strategist Joanne Wallis, recalled that:

*renowned strategic thinker T.B. Millar once reflected, Papua New Guinea is an 'an exposed and vulnerable front door', as if it was in 'hostile hands' it would 'make attacks on our east coast much easier – Port Moresby, after all, is closer to Sydney than Darwin is.'*³⁰⁹

There are therefore vulnerabilities for Australia from an unstable PNG, and clearly this is a situation which Australia cannot ignore. There are global, regional and domestic considerations in the relationship between PNG and Australia, and very real incentives for Australia to invest heavily in social stability and economic progress in PNG. However, if one were to apply a PESTEL (Political, Economic, Social, Technological, Environmental, Legal) analysis to the relationship, it is the political and the legal, which have been most influential in the manner in which the policing aspect of the relationship has developed, and this has been detrimental to actual progress, and as a bi-product, harmful to the reputation of the AFP. The recent involvement of the AFP in PNG can be seen in two stages: (1) the PNG Enhanced Cooperation Program (ECP) in 2005 and (2) the PNG-Australia Police Partnership (PNG-APP), which ran in phases from 2008 to the present.

³⁰⁹ Wallis, J (2014). *Is Australia's influence over Papua New Guinea declining?* The Strategist, Australian Strategic Policy Institute, 20 October 2014.

Enhanced Cooperation Program (ECP) – 2004–2005

For many years the forerunner to AusAID, the Australian International Development Aid Bureau (AIDAB), provided police advisers to the RPNGC under contract. However in the mid-2000s under the Howard Doctrine, which had witnessed relative successes in East Timor and the Solomon Islands, in 2005 the AFP deployed serving members to work alongside their RPNGC counterparts, in an executive policing role. This met with mixed success, due to a range of factors, not the least of which was the successful constitutional challenge to the immunities under which Australian police deployed to PNG in 2005 which will be discussed below.

The governance underpinning this deployment commenced with the 'Enhanced Cooperation Program: RPNGC-AFP ECP Policing Assistance Component: Implementing Agreement' signed in August 2004, also referred to as the '*Madang Agreement*' or the '*ECP Treaty*' which was enacted into PNG law in the '*Enhanced Cooperation between Australia and Papua New Guinea Act 2004* (ECP Act)'. This included the deployment of both Assisting Australian Police Personnel (AAPP) as well as other Australian government personnel deployed to work with their counterparts in PNG Government departments and agencies. The objective of the ECP was to work in partnership with the Government of PNG, to address core issues in law and order and justice, as well as capacity in the RPNGC.

Enhanced Cooperation Treaty – 2004

A number of administrative and legal arrangements were included in the ECP Act of 2004. These included the granting of 'functions, powers, authorities and privileges exercised by members of the RPNGC' under Article 3 (7). Crucially AAPP members were not 'members' of the RPNGC for the purposes of carrying out their duties. Furthermore they were subject to command and control by the head of the AAPP, a deployed AFP senior officer, who was required to report administratively to the Commissioner of the RPNGC, but who also was operationally responsible to the Commissioner of the AFP. There was thus a conflict of sovereignty.

In acknowledgment of the highly litigious nature of PNG society, and due to the exposure AAP members would have to vexatious and malicious prosecutions, AAPP members were granted immunity from the civil jurisdiction of the PNG courts, with respect to acts or omissions done in the course of, or incidental to their official duties. It was these aspects of 'privilege' and 'immunity',³¹⁰ and the dual nature of reporting to two Commissioners, which formed the basis of

³¹⁰ In the case of the ECP the purpose of applying 'privileges' and 'immunities' was to ensure that members of the deployment could perform their assigned functions effectively, efficiently and independently. 'Privileges' generally refer to exemptions from the host state's laws and regulations, for example immigration and customs requirements and the application of duties and taxation. 'Immunities' generally refer to protection from the application of legal process, including criminal and civil

the successful constitutional challenge by the Governor of Morobe Province Mr Luther Wenge. In its judgement, the PNG Supreme Court made a number of determinations including:

- a) *The command structure, whereby AAPP were subject to the direction of the head of the AAPP, was held to be invalid because it undermined the constitutional requirement that the Commissioner of the RPNGC have superintendence and control of the PNG Police Force (s.198 of the PNG Constitution).*
- b) *The arrangements for dealing with criminal jurisdiction were held to be invalid because they were inconsistent with the unfettered prosecutorial discretion given to the PNG Public Prosecutor and members of the RPNGC under the PNG Constitution (ss.176 and 197(2) respectively).*
- c) *The immunity from civil jurisdiction with respect to acts or omissions done in the course of or incidental to their official duties was held to be invalid to the extent that it affected the rights of persons to enforce rights and freedoms guaranteed by the PNG Constitution.*³¹¹

This was deemed to be an unacceptable risk by the AFP, and the Australian Government withdrew the police component of the ECP in May 2005. This marked the end of the first serious attempt at addressing some of PNG's law and order issues by a large Australian 'boots on the ground' police intervention. There is no way of accurately assessing whether this approach would have been successful, but one lesson learned includes the fact that not everyone welcomes such interventions. Despite strong political support at the national level, the existence of such missions can be successfully challenged through an active judicial system, which embodies the rule of law, and proves the existence of the separation of powers in PNG. It also raised the risk profile associated with such deployments by including exposure to legal risks as legitimate considerations for incorporation into mission planning, alongside the security, physical and health risks. The influence of the Melanesian Spearhead Group should also not be discounted in this regard.

Papua New Guinea Policing Partnership (PNG-APP)

The period between the end of the ECP in 2005, and the commencement of the PNG-APP in 2008, featured two major events of significance to the AFP IDG and its reputation. The first was the election of the Rudd Government in 2007, and its changed posture in relation to the region, and the second was the deployment of AFP members to Afghanistan, which will be discussed in detail in a later section. The PNG-APP will be discussed below.

procedures. In the Wenge decision, any such 'privileges' and 'immunities' were deemed to be inconsistent with the PNG Constitution.

³¹¹ AFP Legal Risk Report 2012 *Papua New Guinea-Australia Police Partnership*, pp. 14-15.

2008 to present: Operation ‘Wok Wantaim’

Following the withdrawal of the ECP in 2005, due to its conflict with the PNG Constitution, the AFP, under the Rudd Government negotiated an agreement with the PNG Government of Prime Minister Peter O’Neill, for the deployment of a relatively small number of AFP advisors to the RPNGC. This was known as Phase I. These 17 members were deployed to the Bomana Police College and the Internal Affairs Directorate, and carried out a range of support roles. In October 2011, Parliamentary Secretary for Pacific Island Affairs in the Rudd Government, Richard Marles stated:

*The sense of the need to have more police on the ground, more federal police, is certainly an issue that was raised on the PNG side, and it's certainly one we take very seriously and we're keen to assist...*³¹²

In 2012, Phases II and III of the PNG-APP were implemented, increasing the number of members deployed by 11 sworn and 5 unsworn, who focused on training, logistics, professional standards, governance and accountability management frameworks, fraud and anti-corruption. All of the AFP’s international deployments, including those to PNG were impacted by changing political circumstances in Canberra. The ECP under the Howard Doctrine, had failed due to circumstances beyond the control of the AFP, both at the strategic level and the operational level. The Howard Government was replaced by the Rudd Government in a landslide victory for the ALP. This started a cycle of political instability in Australia, which distracted from issues such as police development in places such as PNG. This was exacerbated by a single issue involving border control, which sucked the life out of most other government programs.

After 11 years in office the conservative Howard Government was voted out in 2007, with Prime Minister Howard losing his own seat of Bennelong in Sydney. The Howard Government was replaced by the energetic government of Kevin Rudd, a progressive multi-lateralist with a strong belief in the United Nations, and of Australia’s role on the Asia-Pacific region. Rudd himself was replaced by Julia Gillard after a leadership contest in June 2010. Rudd again took the Prime Ministership after another internal leadership contest in June 2013, shortly before the government was to face the electorate.

Regional resettlement program with Papua New Guinea

Between 2007 and 2013 the Rudd-Gillard-Rudd Governments had seen a significant influx of irregular maritime arrivals, with people from as far afield as Africa, the Middle East and Pakistan, seeking asylum in Australia, after transiting through Malaysia and Indonesia. This was electorally

³¹² *Australian police may return to PNG - Government says.* October 21, 2011.
<http://www.news.com.au/breaking-news/australian-police-may-return-to-png-government-says/news-story/0902d7abc5b16e0601ef7e5334768abb>

unpopular, and was considered at the political level that a loss of control of borders would result in a loss of government. Shortly after Prime Minister Rudd replaced Prime Minister Gillard in 2013, he announced a Regional Resettlement Program with Papua New Guinea, whereby those seeking asylum by arriving by boat from Indonesia, would not be settled in Australia. In the lead up to the 2013 federal election The Guardian: reported on 19 July 2013:

All asylum seekers who arrive in Australia by boat will be sent to Papua New Guinea for processing and resettlement and none will be allowed to stay in the country, the prime minister has announced, as he sent out a draconian pre-election message that Australia's borders are closed to refugees.

In what he said was "a clear and undiluted message to every people smuggler in the world that your business model is basically undermined", Kevin Rudd said the new rules would apply initially for one year and there was no limit on the numbers of asylum seekers PNG would take.

In return, the government announced new aid to PNG for hospitals and universities and said it would pay unspecified "resettlement costs" for the refugees as well as bearing the costs of the expansion and upgrade of the Manus Island processing centre. Rudd said only that the package would "not be inexpensive" but no cost details were immediately available.^{313, 314}

The relationship between perceived national interests and international good citizenship personified

Although not overtly stated, the connection with an expanded police program in PNG was assumed, and in 2013, the AFP expanded the PNG-APP mission by 50 frontline police officers, known as Phase IV, following the agreement between Prime Ministers Rudd and O'Neill. That agreement included a small group of AFP officers deployed to Lae.

In September 2013, the Rudd ALP Government was replaced by a Liberal Government, led by Prime Minister Tony Abbott, who continued both the Regional Resettlement Plan and the PNG-APP. Prime Minister Abbott was himself replaced as Prime Minister by Malcolm Turnbull in September 2015 as a result of a leadership vote in the Liberal Party. Prime Minister Turnbull has continued both programs, although the Regional Resettlement Program is in its final stages, as

³¹³ Rudd announces deal to send all asylum boat arrivals to Papua New Guinea, The Guardian 19 July 2013. <https://www.theguardian.com/world/2013/jul/19/kevin-rudd-asylum-boats-png>

³¹⁴ The Regional resettlement arrangement between Australia and PNG was signed in Brisbane 19 July 2013. It had as its intention:

'...encouraging sub-regional and bilateral arrangements to create disincentives for irregular travel, including through possible transfer and readmission arrangements. ...Existing cooperation between Australia and Papua New Guinea, in particular through the Manus Island Regional Processing Centre, represents a significant element of the regional response to people smuggling. Australia warmly welcomes Papua New Guinea's offer to adopt additional measures which build on the Manus Island Regional Processing Centre. These measures will make a significant further contribution to encouraging potential unauthorized arrivals to avail themselves of lawful channels to seek asylum and to abandon the practice of perilous sea journeys which has led to the deaths of so many.' [Regional Resettlement Arrangement 19 July 2013.

the PNG Supreme Court deemed the detention centre illegal in May 2017, and ordered its closure by the end of 2017.

Despite the political and legal challenges, the PNG-APP mission now stands at 73 members with 60 members in Port Moresby and 13 in Lae. These members are ostensibly involved in ‘publicly visible policing activities’, but lack executive police powers and have no authority. They are involved in training, prosecutions, station management, custody management, specialised crime squads and corporate management. Members also undertake joint foot patrols in community areas including markets and shopping centres.

Throughout 2017, a significant number of these members have been involved in duties related to the upcoming Asia Pacific Economic Cooperation (APEC) meeting to be hosted by Papua New Guinea in 2018. Much of this has involved training and advising RPNGC members in duties specifically related to APEC. They include: traffic control, including motorcycle escorts, police intelligence, airport policing including Counter Terrorist First Response, Bomb Search, canine operations, Water Police, Close Personal Protection (CPP), hostage negotiations, investigations, custody management, gender issues, family and sexual violence and internal investigations, as well as Public Order Management (POM). It should be noted that the RPNGC remains the sovereign authority in PNG and that the AFP activity is confined to advising and training. It should be noted that these are all areas in which the AFP has a particularly comprehensive skills and experience base. These tasks are important for the RPNGC to deliver the secure conduct of the APEC meetings, and have some follow on value for post-APEC policing in PNG.

Future trends

One of the most serious challenges facing international police participating in an intervention involving police capacity development, is the issue of community trust. As discussed, the nature and the level of crime in PNG is difficult to address via a liberal-democratic policing approach, particularly when the international police, in this case the AFP, lacks authority and adequate capacity to make a meaningful contribution to addressing the underlying causes of crime. In the case of PNG, this appears to be a combination of cultural factors, such as tribal disputes and social factors created by trends such as rapid urbanisation, high youth unemployment and an environment in which organised thuggery and corruption seem to thrive with impunity. Addressing these issues in any meaningful way in PNG, through better policing, involves acting on two assumptions identified by ASPI in a Special Report by Connery and Claxton in October 2014.

The PNG police force

The first assumption is that the PNG Government wants an effective police force. This involves effective policing in all of its aspects, including an objective and impartial anti-corruption capability with the authority and the capacity for it to deliver. It also involves developing a stronger relationship with the PNG community. One significant lesson to come from the RAMSI mission in the Solomon Islands, it is that re-establishing community trust in the police, once it has been lost, can take many years. The situation in PNG is manifestly more complex than the Solomon Islands, and as ASPI points out: *‘creating an effective RPNGC that can promote the rule of law, prevent crime, use resources to their maximum effect and contribute to a positive human rights situation in PNG is a generational undertaking.’*³¹⁵

The second assumption is that Australia will support an ongoing commitment to PNG’s police. There are other Australian-led programs in PNG aimed at enhanced justice. They include: the PNG–Australia Law and Justice Program (PALJP); the Strongim Gavam Program (SGP) and the Combating Corruption Project (CCP), all of which are funded by DFAT. The PNG-APP is the only program in this sector which is not funded by DFAT, and as such is exposed to occasional unfavourable commentary from DFAT.

Whether the Australian Government decides to continue with the PNG-APP post-APEC, and if so, in what format, will not be known until 2018. The impetus behind the decision to boost the PNG-APP in 2013, combined with the Regional Resettlement Program no longer exists, as facilities on Manus Island close down and the pre-APEC incentive for enhanced training will dissipate post-APEC. The underlying causes of crime will, in all likelihood, remain unaddressed, thus creating an environment favourable for more organised criminal activity on Australia’s vulnerable northern approaches and the potential risks attached.

The Melanesian Spearhead Group (MSG)

The third assumption, not stated by the ASPI paper, is that PNG will prefer international assistance to come from Australia in the south, rather from Asia in the north. *The Melanesian Spearhead Group* (MSG) has a ‘*Look North*’ policy, whereby it is seeking greater connectivity with Asia, particularly China, in terms of investment and cultural exchange. The dynamics with the MSG are interesting in this regard, as they also have an impact on the Pacific Islands Forum (PIF), which has been the pre-eminent supra-national body in the South West Pacific, and was the authority which underwrote the RAMSI intervention in the Solomon Islands. Notably the PIF has a membership which includes Australia and New Zealand. An alternative grouping, with connections with the MSG is the Pacific Islands Development Forum (PIDF), which excludes

³¹⁵ Wallis, J. (2014)

Australia and New Zealand. Wallis states that this is ‘*an alternative caucus grouping at the United Nations, the ‘Pacific Small Island Developing States’ (PSIDS) group, which has effectively relaced the PIF in this role.*’³¹⁶

Australia PNG relationships

The MSG ‘Look North’ posturing, has obvious implications for regional dynamics particularly as they relate to the Australia-PNG relationship. There are already a number of other interested parties engaging with PNG, and more broadly in the region. Carter and Firth (2015) identified some of these parties:

*China is a rising power in the region, the United States is responding to that rise, and Indonesia is claiming a Melanesian identity for its easternmost provinces as part of a concerted effort to forge closer links with the island countries of the western Pacific. Japan, China, the United States, Korea, India, Indonesia, Israel and the European Union are all counted among the external states that have deepened their long-term connection with Melanesia in recent years, while the United Arab Emirates, Russia and Georgia are recent minor players on the scene. France is a Pacific Islands power with three Pacific territories.*³¹⁷

The implications of this sort of regional engagement for Australia are unknown, and are not really an issue upon which police could or should comment, other than to attempt to determine what it may mean for criminal activity which may impact on Australia or Australian interests. In this capacity the AFP maintains a strong liaison presence in Port Moresby, independent of the PNG-APP mission. The duties of this post include participation in the PNG intelligence group responsible for monitoring activities in the Torres Strait, assisting the RPNGC with its conduit with INTERPOL, and the provision of support to the RPNGC Transnational Crime Unit (TCU) within the Pacific Transnational Crime Network (PTCN).

Australia has a unique relationship with Papua New Guinea, particularly since it is a former Australian administered territory. Since independence in 1975, the relationship has been seen primarily through the prism of PNG acting as a sentinel state for potential hostilities in the region, or as a recipient of considerable amounts of foreign aid funding, and very little attention has been paid to its internal governance or its implications for Australia, which as has been discussed, has the potential to impact on Australian sovereignty and its peace and prosperity. The way in which Australia responds to the challenges posed by internal governance issues in PNG remains unclear. It is reasonable to assume that the AFP will have some sort of involvement, both in terms of

³¹⁶ Wallis, J. (2014)

³¹⁷ Carter, G and Firth, S (2015) *The Mood in Melanesia after the Regional Assistance Mission to Solomon Islands*, Asia and the Pacific Policy Studies.

[http://onlinelibrary.wiley.com/journal/10.1002/\(ISSN\)2050-2680](http://onlinelibrary.wiley.com/journal/10.1002/(ISSN)2050-2680)

protecting the safety and security of the Australian community, and the promotion of humanitarian values within a culturally appropriate social contract in PNG.

Section 2: Afghanistan

Afghanistan 2007–2013

As discussed previously in the thesis, the International Deployment Group (IDG) was established under the Howard Government in 2004, for police capacity development and stability missions in the Pacific. However, between 2007 and 2014, the AFP was deployed at political direction, to another theatre entirely: Afghanistan. The AFP engagement in Afghanistan was well intentioned, particularly by those who actually deployed, but due to fast-changing, and often ambiguous strategic directions, there was little prospect that the AFP would be able to make any meaningful progress, and its members were exposed to high risk for very low return. There was a general perception held by many AFP members deployed to Afghanistan, that much of the strategic direction appeared to be based more on political optics than operational effectiveness.

The AFP was subject to many diversions. The mission was characterised by a failure of the AFP, and the Australian polity generally, to appreciate and understand the human factors involved in Afghanistan, whose history, culture, social structures, political, legal and economic frameworks, ideology and religious intricacies, have very complex origins. Furthermore, this ‘failure to understand’, influenced those whose policy approaches underwrote the strategic direction, and set over ambitious expectations. If ever there was a case of being ‘thrown off course by a thousand diversions’, it is the various directions international interventions took in Afghanistan and its region following the attacks on September 11, 2001. When Clausewitz wrote the following, he was writing about conventional warfare between organised forces, with clear objectives in mind.

*Everything in strategy is very simple...once it is determined from the political conditions what a war is meant to achieve and what it can achieve, it is easy to chart the course. But great strength of character, as well as great lucidity and firmness of mind, is required in order to follow through steadily to carry out the plan and not be thrown off course by a thousand diversions.*³¹⁸

Policing in any environment, is an endeavour whose success is dependent upon several factors, which fall into two broad categories: (1) physical, such as climate, terrain, existing infrastructure; and (2) human, which includes, history, culture, social structures, political, legal and economic frameworks, ideology and religion. To a certain extent, the physical factors can be mitigated technically, and will not be dealt with further in this section of the thesis. International police development in any society, however, must account for the human factors, and attempt to incorporate them into programs and service delivery.

³¹⁸ Clausewitz, C. von. *On War* (1993). Everyman's Library Series. Knopf Doubleday Publishing Group, p. 209.

Three criteria for the success of any endeavour including international police deployments are, first, *political will* which underpins a coherent strategy based on sound policy; second, *adequate resourcing and funding*; and third, *realistically achievable objectives*. Much of the thinking behind this can be condensed into the word ‘understanding’, which appears to have been overlooked in the deployments to Papua New Guinea and Afghanistan. In both missions, high expectations, based more on political optics than operationally achievable objectives, set the AFP up for potential failure.



Figure 10. Map of Afghanistan

Source: nationsonline.org

Counter terrorism to counter insurgency

The period 2007–2013, was a period in which governments changed in both Australia, and the United States, from so-called ‘*conservatives*’ to so-called ‘*progressives*’, with the inevitable changes in political posturing and strategic direction. This was particularly evident in approaches to Afghanistan, where, with the election of the Obama Administration, the strategic approach changed from a predominantly ‘Counter-Terrorism’ (CT) posture, to a predominantly ‘Counter Insurgency’ (COIN) approach.³¹⁹ The slightly confusing aspect of this from a policing perspective, is that both terrorists and insurgents do the same things; they use violence to attempt to achieve political ends. The NATO definitions do not leave much room for distinction between the two as far as their actual activities are concerned. The NATO definitions are as follows:

Terrorism:

[t]he unlawful use or threatened use of force or violence against individuals or property in an attempt to coerce or intimidate governments or societies to achieve political, religious or ideological objectives.

Insurgency:

[a]ctions of an organized, often ideologically motivated, group or movement that seeks to effect or prevent political change or to overthrow a governing authority within a country or a region, focused on persuading or coercing the population through the use of violence and subversion.

Counter Terrorism:

[a] offensive measures taken to neutralize terrorism before and after hostile acts are carried out. Note: Such measures include those counterforce activities justified for the defence of individuals as well as containment measures implemented by military forces or civilian organizations.

³¹⁹ Kilcullen (2009) states: ‘Counter-terrorism, a discipline dating from the early 1970s, focuses on the enemy: the individual terrorist and the network of terrorist operatives. It seeks to destroy this network, proceeding from the assumption that removing the network removes the problem. In this sense, like most conventional warfare, it is ‘enemy-centric.’ On the other hand, classical counter-insurgency, a discipline that emerged in the late 1950s but has much older roots in imperial policing and colonial small wars, is ‘population-centric.’ It focuses on the population, seeking to protect it from harm by-or interaction with-the insurgent, competing with the insurgent for influence and control at the grassroots level. Its basic assumption is that insurgency is a mass social phenomenon, that the enemy rides and manipulates a social wave consisting of genuine popular grievances, and that dealing with this broader social and political dynamite, while gaining time for targeted reforms to work by applying a series of tailored, full-spectrum security measures, is the most promising path to ultimately resolve the problem.’ Kilcullen, D (2009). *The Accidental Guerrilla: Fighting Small Wars in the Midst of a Big One*. Scribe Publications Melbourne. (xv). This is the precise approach adopted by the British in the *Malayan Emergency* 1947-1960, as discussed at the end of Chapter 1 of this thesis, which as discussed involves police using extraordinary powers of force and intrusion inimical to a liberal-democratic Peelian approach to policing.

Counter insurgency:

*Comprehensive civilian and military efforts made to defeat an insurgency and to address any core grievances.*³²⁰

Both terrorism and insurgency involve the threat, or actual use of force or violence, to influence political outcomes, based on a political, religious or ideological basis. From a policing perspective, these activities are considered to be crimes, and they are addressed in the same way, namely all efforts are made to detect, deter, prevent or disrupt them, or if offences are actually committed, all efforts are made to identify the offenders and have them brought to justice. Herein lies the difference between the way police perceive and address such things, and the way the military counters them. In the case of the US military under the Presidency of George W. Bush, offensive measures, counter terrorism measures meant using military force. In Afghanistan this was known as *Operation Enduring Freedom* (OEF), which included aerial bombardment and missile attacks, launched from U.S. Navy ships at sea, combined with aggressive action by special forces, and CIA operatives on the ground.

A failure to understand

Addressing core community grievances is the key element in COIN strategy. When U.S. strategic policy changed due to a change in government in 2008, Australian policy correspondingly changed. The role of policing, especially liberal-democratic policing, in a counter-terrorism operation such as Operation Enduring Freedom (OEF), is nil as they are purely military operations in which law and justice are disregarded for good reason. The primary focus was to avenge the 911 attacks by targeting Osama bin Laden who had taken refuge in the Tora Bora caves on the remote border between Afghanistan and Pakistan, hence the bombing and missile strikes. This was 'counter terrorism' via military offensive action, in which the police play no role at all.

In a 'counter insurgency' however, the role of police is extremely important, because one means of addressing community grievances involves restoring and maintaining justice mechanisms through which such grievances can be addressed. Effective policing plays an extremely important role in this process. Building trust between the community and its government, via visible and effective policing within a viable justice system, is key to underwriting the move towards sustainable peace and prosperity. However, a number of conditions need to be established before international police intervention can be effective. The first and foremost, is there needs to be a 'peace to keep', and until such time as there is a peace to keep, any civilian police input into the

³²⁰ *NATO's Counterterrorism and Counterinsurgency Experience in Afghanistan: Lessons Learned Workshop Report*, NATO Centre of Excellence-Defence Against Terrorism, Ankara 18-20 November 2014. https://www.exop-group.com/src/Frontend/Files/userfiles/files/DE/MediaCentre/News/150929_NATO_AfghanistanLessonsLearnedBooklet.pdf

environment is futile. 'Making the peace' is therefore the role of the military. Once the 'peace' has been 'made', it is the role of the police to 'keep' it.³²¹

This was not understood by those who sent the AFP to Afghanistan, under a flawed set of expectations, which changed mid-stream. This is primarily because those advising at the political level, were themselves poorly informed and lacked understanding, of both the situation on the ground, and the limitations on the ability of a liberal-democratic policing approach in such a non-permissive environment.

A complex environment: History and cultural complexity

To fully appreciate why this was the case, some explanation of the challenging physical, and complex human terrain in Afghanistan is necessary. Afghanistan's proximity and location at the

*crossroads between Iran and India, Central Asia and South Asia, and Central Asia and the Middle East...' [made it] '...an important part of the old Silk Route, used by pilgrims and traders, who along its length and breadth carried new religions, inventions, and ideas...' including '...all the world's ancient religions... including Zoroastrianism, Manichaeism, and Buddhism, with Islam the last arrival, in AD654, when Arab armies invaded India and Afghanistan after the death of the Prophet Mohammed.*³²²

Afghanistan itself is a geographic entity, whose borders were established in the age of imperialism, and was actually created in the nineteenth century, as a 'buffer state', between what was once the southern extent of Tsarist Russia, and the North West Frontier of British India, in what was known as the 'Great Game'. The southern borders were established in 1893, by Sir Mortimer Durand, which divided Afghanistan from the North West Frontier of British India which was later to become Pakistan. In doing so, the Durand Line cut through tribal areas of the Pashtuns, and as such has been heavily disputed since. The Pashtun tribes on either side of the border, are kinsmen, and as such, pay scant regard, to the artificial national border dividing their tribal homelands. To them, it truly is a line in the sand. It is also remote and porous and therefore unenforceable by either Pakistan or Afghanistan.

The northern border is shared with the Russia-influenced Central Asian countries of Tajikistan, Turkmenistan and Uzbekistan, whose people, the Tajiks, the Turkmen and the Uzbeks, have also crossed into Afghanistan from the north. The western border of Afghanistan is shared with Iran,

³²¹ Casual observations indicate that the military seeks to divest itself of what it regards as constabulary or policing duties. In a contested environment such as Afghanistan, the distinction between 'peace-maker' and 'peace-keeper' are simultaneously academically clear, but operationally opaque. It has sometimes been asked, 'when do the police take over?' The answer from a police perspective at least, is 'when the military has created a peace to keep.' As the AFP experience in Afghanistan shows, this is often difficult to achieve.

³²² Rashid, A. (2009). *Descent into Chaos: The U.S. and the Disaster in Pakistan, Afghanistan, and Central Asia*. Penguin. London, p. 7.

formerly Persia, the home of the Shi'a Islamic tradition. The religious overlay is Islamic, predominantly following the Sunni tradition, with the exception of the Hazaras, the descendants of Genghis Khan, who follow the Shi'a tradition, and are more closely aligned with Iran to the west. There are therefore societal fissures running through Afghan society and culture, based on ethnicity and religion, which makes a cohesive, trust-based society, a difficult proposition.

Cold War dynamics – The Soviet Occupation 1979–1989

The modern troubles in Afghanistan began with the invasion by the Soviet Union on Christmas Eve 1979 as a result of a civil war in Afghanistan, which broke out following a coup in 1978, led by Marxist military officers. This thrust Afghanistan into the middle of the Cold War, as the U.S. reacted under the Presidency of Ronald Reagan, by supporting an Islamic resistance to fight the Soviet occupation. The disparate tribal and ethnic groups within Afghanistan, coalesced to resist the Soviet occupation. They called themselves the Mujahadin.

The Mujahadin

The U.S. supported the Afghan Mujahadin, who also recruited Islamic fighters from far afield, among whose number, was an Arab from Saudi Arabia called Osama bin Laden. The U.S. provided money and weapons and, after a decade of occupation, and several thousand casualties, the Soviet Union withdrew from Afghanistan in 1989. This triggered a commensurate U.S. withdrawal from the region leaving a power vacuum, which was filled by contesting parties based largely along ethnic lines. This, in part, was also fueled by a silent proxy war for influence in Kabul between Pakistan and India.

The Taliban and al Qaeda

In the early 1990s, a number of Pashtun former Mujahadin left Afghanistan, and attended madrassas in Pakistan to take up religious studies. They called themselves '*talibs*', meaning religious students, who seek knowledge and justice. They united as the Taliban, to return to Afghanistan to restore peace, disarm the population, enforce Sharia, or Islamic law, and defend Islam in Afghanistan.³²³

They re-entered Afghanistan from the south and took Kandahar, Afghanistan's second city in 1994, followed by Herat in the west in 1996, and the capital Kabul in 1996, and finally Mazar-e-Sharif in the north, in 1998, massacring more than four thousand Hazaras, Tajiks, and Uzbeks. They were financed by Saudi Arabia and the United Arab Emirates, through the Pakistani Inter-Services Intelligence (ISI), which had direct connection with the Taliban through its tribal affiliations. The Taliban then formed a government called The Islamic Emirate of Afghanistan

³²³ Rashid, A. (2006), p. 13.

(IEA). Mullah Omar, the Taliban leader formed a relationship with Osama bin Laden and they lived together in Kandahar in 1996.

*The CIA already considered bin Laden a threat, but he was left alone to ingratiate himself with Mullah Omar by providing money, fighters, and ideological advice to the Taliban. Bin Laden gathered the Arabs left behind in Afghanistan and Pakistan from the war with the Soviets, enlisted more militants from Arab countries, and established a new global terrorist infrastructure called al Qaeda.*³²⁴

Motives of al Qaeda

Bin Laden was motivated by his repugnance at the existence of U.S. and allied troops in Saudi Arabia, as part of the U.S. offensive against Iraq in the early 1990s. This was made clear in a statement made by bin Laden on October 7, 2001, following the 9/11 attacks, which was broadcast by Al Jazeera Television, in which he promised more attacks on the U.S. and its interests and allies: *'Neither America nor the people who live in it will dream of security before we live it in Palestine and not before all the infidel armies leave the land of Mohammed'*.³²⁵

The significance of the relationship with Mullah Omar, was that bin Laden now had an entire country at his disposal to train global Islamic jihadists. There had been a number of training camps operating in Afghanistan, financed by the Pakistani ISI, to train insurgents for use in the disputed province of Kashmir on the Indian-Pakistan border. Bin Laden used these camps to train thousands of extremists to extend al Qaeda operations globally. It was during this period that bin Laden planned the bombings of the U.S. embassies in Kenya and Tanzania, on August 7, 1998, which killed 224 people and wounded nearly 5000, and made bin Laden a man wanted by the U.S. authorities.

The UN and al Qaeda

As a result of these attacks, the UN Security Council passed Resolution 1267 in October 1999, which demanded that the Taliban surrender bin Laden, and cease providing sanctuaries to terrorists. This was followed by UN Security Council Resolution 1333, in December 2000, which imposed an arms ban on the Taliban government, the seizure of the Taliban's assets outside Afghanistan, and demanded the closure of the training camps. These were ignored by the Taliban government and its Pakistani ISI backers. Finally, on July 30, 2001, the UN Security Council passed Resolution 1363, which authorised monitors on Afghanistan's borders to ensure that the UN arms embargo was enforced. This angered the Taliban government in Afghanistan and their Pakistani supporters who threatened to kill UN monitors.

³²⁴ Rashid, A. (2006), p. 15

³²⁵ Osama bin Laden quoted in Rashid, A. (2006), p. 80

While the U.S. authorities were closely monitoring the situation, they appear to have underestimated the immediacy and the magnitude of the threat. Rashid states that between January and September 2001, 216 internal threat warnings were issued by the FBI, and 33 National Security Agency intercepts relating to the possibility of an al Qaeda attack, were reported. In July a briefing paper by the CIA to President Bush stated:

*We believe that [bin Laden] will launch a significant terrorist attack against U.S and/or Israeli interests in the coming weeks...attack preparations have been made...and will occur with little or no warning...*³²⁶

911 attacks-connection with bin Laden

On September 11, 2001, 19 militants associated with al-Qaeda, hijacked four airliners in the north east of the United States, and carried out suicide attacks against iconic targets in the United States. Two planes were flown into the towers of the World Trade Centre in New York City, a third plane hit the Pentagon just outside Washington, D.C., and the fourth crashed in a field in Pennsylvania. The attacks resulted in extensive death and destruction, with over 3000 fatalities, including over 400 police officers and firefighters, as first responders. The reaction by the U.S. was calculated and deliberate. In addition to the warning given to nations who may be harbouring terrorists or their associates, there was specific mention of Afghanistan. The rationale was the connection between bin Laden, Mullah Omar and the Islamic Emirate of Afghanistan: the Taliban.

In furtherance of the plan to attack the World Trade Centre, the Pentagon and other targets in the United States, bin Laden provided two potential Saudi suicide pilots and two Yemeni volunteers who ultimately were unable to obtain U.S. visas. The Saudis had no problem obtaining visas to enter the U.S. They practiced with flight simulators on personal computers, and were supplemented by four volunteers from the German city of Hamburg, who travelled separately to and from Kandahar on a regular basis to meet with bin Laden.

According to Woodward al Qaeda was deliberately recruiting from 35 countries whose citizens did not require visas to enter the U.S. and was bringing them into the ungoverned regions in large numbers to train them in all aspects of asymmetric warfare, including the use of explosives and chemical agents, and was trying to have them acquire biological weapons.³²⁷

The CIA was aware of Islamic extremists generally in Germany, and sought assistance from German police, but were largely unsuccessful, as German courts placed strict limitations on police intrusion, and some German politicians and intellectuals dismissed American concerns over global Islamic terrorism as overblown, even naïve: an unfortunate legacy of the reaction to Germany's Nazi past in which policing was both highly intrusive and forceful. The plot by these

³²⁶ CIA Briefing to U.S. President Bush quoted in Rashid, A. (2006), p. 59.

³²⁷ Woodward, B. (2010). *Obama's Wars*. New York: Simon & Schuster, p. 5.

specific individuals was missed by the Americans, which is not surprising, as once they had entered the U.S. they lived as normal members of the community for a period of time, during which they had amassed 364 false names between them in order to avoid detection, as they planned and eventually carried out the attacks on September 11, 2001.³²⁸

The United States reaction: Operation Enduring Freedom

On the 20 September, President Bush addressed a Joint Session of Congress, which was broadcast worldwide. In this address President Bush made specific reference to Afghanistan. He stated:

Al Qaeda is to terror what the mafia is to crime. But its goal is not making money; its goal is remaking the world...and imposing its radical beliefs on people everywhere.

This group and its leader...a person named Osama bin Laden...are linked to many other organizations in different countries... The leadership of al Qaeda has great influence in Afghanistan and supports the Taliban regime in controlling most of that country.

And tonight, the United States of America makes the following demands on the Taliban: Deliver to United States authorities all the leaders of al Qaeda who hide in your land. ...Close immediately and permanently every terrorist training camp in Afghanistan, and hand over every terrorist, and every person in their support structure, to appropriate authorities. Give the United States full access to terrorist training camps, so we can make sure they are no longer operating.

These demands are not open to negotiation or discussion. The Taliban must act, and act immediately. They will hand over the terrorists, or they will share in their fate. (Bush, G. 2001).³²⁹

Northern Alliance

The 911 attacks engendered significant international support for the U.S. and international pressure mounted against the Taliban government in Afghanistan. A number of exiled Afghan leaders joined forces to take up an armed offensive against the Taliban administration. Their coalition was known as The Northern Alliance, but was officially known as The United Islamic Front for the Salvation of Afghanistan. Iran, Russia, and India, which had traditionally funded and armed the Northern Alliance, stepped up their military support. (Rashid, 2006, pp. 19-20) The Northern Alliance fought a two month campaign against the Taliban-led Islamic Emirate of Afghanistan, and took Kabul in December 2001.

The involvement of Iran and India broadened the dimensions of the strategic environment, as Shi'a Iran, was fighting a proxy war against its Sunni Islamic rival, Saudi Arabia, which was, in part, funding the Taliban-led Islamic Emirate of Afghanistan, through Pakistan. India was

³²⁸ Australian Federal Police (2014) *Identity Unknown; Identity Crime*: AFP Platypus Magazine No 115 Jan-Jun 2014.

³²⁹ Bush, G. *Selected Speeches of President George W. Bush 2001–2008*. https://georgewbush-whitehouse.archives.gov/infocus/bushrecord/documents/Selected_Speeches_George_W_Bush.pdf

similarly fighting a proxy war with its regional rival Pakistan, whose connections with the Pashtun Taliban has been previously discussed. The involvement of India and Pakistan raised the stakes considerably, as both countries are nuclear powers. The involvement of Russia naturally attracted the attention of the U.S. The potential involvement of nuclear weaponry was not confined to the nuclear powers mentioned, but extended to al Qaeda itself. According to Rashid:

*In the first months after 9/11, the CIA was deeply fearful of a follow-up nuclear or biological weapons attack on the American mainland by al Qaeda. In 1998, bin Laden had said that obtaining nuclear weapons was a 'religious duty' and he spoke frequently about creating an American Hiroshima. The discovery at al Qaeda safe houses in Afghanistan of computer disks, laboratories, and even a crude diagram of a nuclear bomb, showing that al Qaeda was experimenting with biological and nuclear warfare, only confirmed the worst about al Qaeda's intentions.*³³⁰

With this in mind, it was clear that the primary way to prevent al Qaeda obtaining nuclear material, was through the relationship with Pakistan. Bin Laden had fled to the remote Federally Administered Tribal Areas (FATA) in Pakistan in December 2001, following the U.S. reprisals for the 911 attacks, in the form of OEF which complemented the military offensive by the Northern Alliance. The FATA became the new base for al Qaeda.³³¹

Bonn Agreement and the International Security Assistance Force (ISAF)

While OEF and the Northern Alliance were having an impact on the ground in Afghanistan, the international community was seeking a long term, sustainable solution to stability in Afghanistan once the 'peace' was 'made' by military force. This was arranged by Germany, which had acted as a broker during the Afghan civil war in the 1990s, by hosting unofficial dialogue between the UN, the Taliban and the Northern Alliance. Germany was regarded as an honest broker by these parties, and the German Government hosted discussions in the former capital, Bonn in December 2001. An agreement, known as the *Agreement on Provisional Arrangements in Afghanistan Pending the Reestablishment of Permanent Government Institutions*³³² was promulgated from the Bonn discussions. The declaration specifically mentioned a new Afghan security force, but no specific mention was made of a new Afghan police force.

The Bonn Agreement also created a second international intervention force, known as the International Security Assistance Force (ISAF), under UN Security Council Resolution 1386 of 20 December 2001. ISAF was given an enforcement mandate under Chapter VII of the Charter of the United Nations. ISAF was not initially under the command of NATO, but under British,

³³⁰ Rashid, A. (2006), p. 120.

³³¹ Rashid, A. (2006), p. 265.

³³² Agreement on Provisional Arrangements in Afghanistan Pending the Reestablishment of Permanent Government Institutions.

Turkish, German and Dutch command, before coming under the command of NATO in August 2003.

ISAF was initially tasked with providing security in the capital Kabul, but in August 2003, once NATO assumed command, a UN Security Council Resolution authorised ISAF to expand beyond Kabul. This took the form of Provincial Reconstruction Teams (PRT), in each province to be led by a NATO member. At the same time, four cross-cutting, nation-wide lines of effort were devised, with Britain assuming leadership for counter-narcotics, Germany assuming leadership for policing, Italy assuming leadership for justice and the United States assuming leadership for training the Afghan military.

As a result, there were now *two separate command structures for foreign forces in Afghanistan—the NATO-ISAF command responsible for peacekeeping in Kabul and the provinces; while the hunt for terrorists would continue to be carried out by the U.S.-led Coalition under Operation Enduring freedom.*³³³ The UN also had a presence in Afghanistan, in the form of the United Nations Assistance Mission to Afghanistan (UNAMA), however, due to the non-permissive security environment throughout the country, particularly in the south, its influence was negligible.

AFP Deployment to Afghanistan 2007

Australia's role in Afghanistan spanned four phases: 2001 to 2005, 2005 to 2008, 2008 to 2013, and 2014 onwards. The AFP primarily involved in the period 2008-2013, with a year extra either side of this period. The legal basis for Australian involvement in operations in Afghanistan was twofold: authorisation under United Nations Security Council Resolution (UNSCR) 1883, and at the invitation of the Government of the Islamic Republic of Afghanistan (GIROA). Australia's military commitment to Afghanistan operated as part of the NATO-led International Security Assistance Force (ISAF), as a peace-enforcement mission under Chapter VII of the UN Charter. In early 2006, a request was received by the Australian Foreign Minister Alexander Downer from the then British Foreign Secretary, Jack Straw, for an Australian police contribution to assist with mentoring for the newly created Counter Narcotics Police of Afghanistan (CNPA). Due to administrative difficulties relating to visas to enter Afghanistan, and some negotiations between Canberra and Kabul, concerning duties and immunities, the deployment was delayed until the second half of 2007.

In addition, ISAF had established a U.S.-led Combined Security Transition Command (CSTC-A), which had assumed the role of reforming the Afghan National Police (ANP) from the Germans, to collectively deliver a professional police force to enhance the security of the Afghan people. One AFP member was seconded to CSTC-A, to advise an exclusively military, and a

³³³ Rashid (2006), pp. 350–351.

predominantly U.S. command structure, on elements of police reform. Among the contributions made by this member was the adoption of an amended police recruit training package from the AFP College in Barton, Canberra. There was also a need for advice on criminal investigations to the Ministry of the Interior, within the Government of the Islamic Republic of Afghanistan (GIROA), so one member, the mission commander, was tasked with these duties.

In the meantime, in February 2007, the Afghan Ambassador to Australia, Mr Mohammed Anwar Anwarzai highlighted the narcotics problem in Afghanistan, and its connection with the Taliban insurgency, and the risk this posed of creating a 'narco-state.' As Mark Todd of *The Australian* wrote:

Afghanistan has warned it could unravel into a terrorist-backed narco-state unless Australia and the rest of the international community send specialist police to combat the heroin trafficking which is funding the Taliban insurgency.

The war-battered nation's ambassador to Canberra, Mohammed Anwar Anwarzai, said yesterday Australia's military deployment had helped build local trust, but a dangerous vacuum existed in the wake of their withdrawal last year. 'Unfortunately, we are now on the verge of becoming a narco-state. I can confess to that,' Mr Anwarzai told The Australian.

*In its first acknowledgement of the extent of the problem, Canberra is planning to send four AFP agents to Afghanistan to help with police training and monitoring of illicit opium exports. Two armed AFP agents will be based in the opium heartland of Jalalabad to gather intelligence on opium smuggling.*³³⁴

On 16 October 2007, four AFP officers were deployed to Afghanistan. Two members were located in Kabul, working under the auspices of the United States-led CSTC-A, and the Afghan Ministry of the Interior respectively and two members were located in Jalalabad, and worked under the auspices of the British Embassy Drug Team (BEDT) with the CNPA. Significantly, their life support was provided by a private British security firm, known as ArmourGroup, which later became G4S. The expense this incurred was to influence the way the AFP was postured in Afghanistan, with the incoming Rudd Government in 2007.

From Howard to Rudd: Political optics

The Howard Government was voted out of office by the Rudd Government in 2007, and there was an immediate change of posture in relation to the AFP in Afghanistan. When in Opposition, Prime Minister Rudd had been highly critical of the Howard Government for its involvement of Australian military in the U.S. invasion and occupation of Iraq. He had been less vocal in relation to Afghanistan, and in fact had supported Australia's military involvement, primarily because it was a reaction to the 911 attacks, and secondly the international involvement in Afghanistan, both OEF and ISAF, had the authority of the UN. Significantly, the four original AFP members had

³³⁴ Todd, M. (2007) *Australian help sought for drug fight*, Mark Dodd, The Australian, 20 February 2007.

only been in Afghanistan for a short time when the Rudd Government was elected and he was taking advice from many quarters in relation to Afghanistan, but crucially it seems, not the AFP.

In May 2008, Raspal Khosa from the Australian Strategic Policy Institute (ASPI), wrote a paper in which he highlighted the importance of security sector reform in Afghanistan, and urged the use of the AFP International Deployment Group, based on its record for capacity-building, mentoring and peacekeeping operations. Khosa specifically mentioned the use of AFP to mentor ANP via a police OMLT to be based in Uruzgan Province, whereby the Australian Government would realise the synergies with any proposed ADF training activity, particularly the instruction of police in small arms and other tactical activity.³³⁵

Police Operational Mentoring and Liaison Teams (POMLT)

The OMLT concept, (Operational Mentoring and Liaison Team), was used by the ISAF military whereby military trainers, mentors and liaison officers accompanied their Afghan National Army (ANA) counterparts in the field. From a policing perspective this concept, dubbed 'POMLT' (Police Operations Mentoring and Liaison Team), was highly problematic. This has its basis in the profound differences in field operations and daily duties, between the respective roles, composition and structure of the military, and the police in such endeavours. These differences are exacerbated in a non-permissive environment such as southern Afghanistan in 2008.

The military is generally well-armed, moves in groups, and is well-supported by force protection. Its duties in conflict, including in insurgencies such as Afghanistan are dirty, dangerous and difficult, but relatively straightforward: to train in the use of weapons and tactics, to oversee leadership decisions and to ensure effective communications are maintained, and when in direct contact with their adversaries, to employ as much force as required, with the expectation of immediate fire support and medical evacuation if needed. The military is well suited and equipped for this role, it is after all its *raison d'être*.

Policing, on the other hand, is generally done on an individual basis or in small groups, and if being done correctly, involves maximum community engagement and interaction, and often unseen investigations to detect, deter, disrupt or prevent crime, including violent crime, and other criminal activity, such as corruption and narcotics dealing. While there is an active insurgency, policing can be equally dirty, difficult and arguably more complex and dangerous, due to exposure and vulnerability to those hostile to police activities, including violent extremists, those involved in the narcotics trade and those whose actions are corrupt. The latter may include some of the host police themselves, particularly at a leadership level, where the incentives for corruption are the highest, thus exposing international police mentors to danger from the very people they are tasked

³³⁵ Khosa, R. (2008). *Making it Count: Australia's involvement in Afghanistan*. Australian Strategic Policy Institute May 2008, p. 12.

to assist, and with whom they would be intimately dealing, with a view to their arrest prosecution. A dangerous endeavour in Australia: a death warrant in southern Afghanistan.

No peace to keep; a low base; corruption and a lucrative cash crop

The role of the police is to engage with the local population, to prevent crime, identify offences, bring offenders to justice, and basically keep the peace. The existence of the latter underpins all three other functions, namely in order to administer justice and ‘keep the peace’, there must be a ‘peace to keep’. There is no prospect of justice, very little chance of detection of offences and almost zero chance of benign crime prevention, in a liberal-democratic sense, until there is such a peace. In the case of Afghanistan, particularly in Regional Command (South) including Uruzgan Province, such a peace was, and remains highly elusive.

An additional complication for policing, as opposed to military mentoring, in southern Afghanistan, is that the Afghan National Army (ANA) was predominantly composed of soldiers from the ethnic groups from the north of Afghanistan, the Tajiks, Uzbeks and Turkmen, whose predecessors had formed the Northern Alliance, which had ousted the Pashtun dominated Taliban Government, with U.S. support, in the immediate aftermath of 9/11. The Afghan National Police (ANP) however, were locally recruited, from the predominantly Pashtun population in the south of the country, thus the prospect of a ‘blue on blue’ incident, was a very real prospect, based on this aspect alone, to say nothing of the vulnerabilities created by exposure to the criminal activities mentioned above.

Among the shortcomings of the ANP, in addition to illiteracy and inadequate training, was the fact that corruption was widespread, and there was an ambiguous relationship between the police and the public as a result. This cannot be addressed by training or mentoring in the field, without intimate supervision and highly intrusive protocols. A further complication involved the connection between police corruption and the burgeoning trade in opiates. Opium poppies are a cash crop in many parts of Afghanistan. The United Nations had a ‘line of control’, below which, they recommended that enforcement action not take place. This was to protect the livelihoods of local poppy farmers and their employees, thus the only part of the supply chain which could be addressed by policing at a local level, was the actual heroin production and its distribution by road to its worldwide market. The execution of search warrants and the interception of such road transport was a highly dangerous activity.

The AFP members deployed to Afghanistan were armed with Glock 9mm Self Loading Pistols for self-protection, not law enforcement, and in any circumstance in Afghanistan, were outgunned. Any involvement in the POMLT concept, which involved mentoring the ANP in enforcing dubious laws ‘outside the wire’, dealing with well-armed and well-connected criminals, in a highly lucrative trade in illicit narcotics, was a risk AFP was not prepared to take. Such

activities in Australia, where the AFP legitimately enforces the criminal law, would be subject to detailed risk assessments and judicial oversight, with every precaution taken to ensure member safety. For the AFP to engage in such POMLT activities ‘outside the wire’, in an environment like Uruzgan Province, was suicidal and ultimately futile; a fact recognised by those on the ground, but not their political masters.

Prime Minister Rudd, December 2008

When Prime Minister Rudd, and his security advisor Duncan Lewis, travelled to Tarin Kot (TK) in Uruzgan Province just before Christmas 2008, the latter made a direct approach to the senior AFP member present, who had just assumed the role of AFP narcotics intelligence coordinator in TK. The exchange as related to the author was: ‘If money and security weren’t a problem, could you do POMLTs?’ The response was, ‘If money and security aren’t the problem then we can basically do anything asked of us.’ This exchange was reported to AFP Canberra and alarm bells rang immediately at the IDG at Majura.

There is no evidence of prior consultation with the AFP in Canberra, so the first time this concept was made known to the AFP, was when a high ranking official in the Prime Minister’s party, a former military officer, made an approach directly to a relatively junior officer in the field. This was repeated at a later date during another visit by Mr Rudd, as Foreign Minister, in TK in March 2011. This is indicative of the ad hoc approach to policy involving police deployments, under this particular government, which appeared to have been based on concepts advanced by the Canberra ‘Good Ideas Club’, without consultation with the people who would actually have to perform these duties, namely the police themselves, or their agency heads, who had a duty of care and were thus ultimately responsible for their safety and welfare.

The reason this member was in TK was due to a direction from government, pending the rotation of the first four members, for the AFP to increase its numbers to eight and to go to Regional Command (South) (RC(S)) and *leverage as much as possible off the ADF*. The rationale for this was based on the cost of life support by G4S for the Kabul based members. The two Jalalabad based members had spent six months in that location working with the CNPA. Their means of transport between Kabul and Jalalabad was via a United Nations aircraft which was withdrawn by the UN for passage by the AFP members for unspecified reasons.

Re-focus AFP efforts to regional command (south) and leverage as much as possible from the ADF

The AFP members involved were in Kabul when this decision was made, and returned to Jalalabad via a local bus service which took them approximately six hours, due to delays created by roadworks. This exposed them to an unacceptable risk of death, serious injury or kidnap, and as a result the Jalalabad post was closed forthwith by the AFP in Canberra, and these members

were re-located to Kabul. When the direction came from government to re-focus AFP efforts to RC(S), it was these members who conducted the initial scoping in Kandahar Airfield (KAF), the Headquarters of RC(S).

The broad direction to AFP for the second deployment of AFP to Afghanistan, was to increase the number of eight, to move the bulk of the mission to Regional Command (South), and to leverage as much as possible from the Australian Defence Force. This was interpreted by AFP members, at the operational level, as being more related to the political optics of comparison between the new, fresh and progressive Rudd Government with the old, tired and conservative Howard Government. Such a perspective is given added credence when the instructions from government also contained a direction to increase the number of AFP deployed to Afghanistan to twelve the following year.

The most confusing part of this direction, was the fact that no further guidance was provided as to what the AFP members deployed to an active conflict zone, were expected to actually do, other than a broad reference to 'counter-narcotics intelligence' and 'criminal intelligence'. In an effort to maximise the value of this increased commitment, an AFP delegation engaged interlocutors from the major law enforcement contributors to Afghanistan, the U.S., Britain, Canada and the Netherlands to identify strategic opportunities to complement existing efforts.

Counter-narcotics intelligence 2008

The intention was to enhance support for international stabilisation operations in Afghanistan, through the deployment of civil policing expertise to Australian whole of Government activities in Southern Afghanistan, and other international efforts based in Kabul. The focus was on counter-narcotics and criminal intelligence, by providing strategic, analytical and intelligence advice on counter-narcotics activities, as part of the international stabilisation activities in cooperation with GIRoA, in order to shape counter-narcotics activities to address illicit narcotics activities in Afghanistan.³³⁶

The configuration of the mission was therefore in three separate locations, engaged in entirely different duties. Two members were located in Kabul, where the Mission Commander continued duties with CSTC-A, and the Ministry of the Interior, and an embedded member with the Interagency Operations Coordination Centre (IOCC) dealing with the U.S. Drug Enforcement Agency (DEA) and the British Serious Organised Crime Agency (SOCA). Three members were

³³⁶ Kilcullen (2009) states that [a]ccording to officers of the National Directorate of Security (NDS)-the Afghan intelligence service...the Taliban adopted a five-line information strategy, in the form of series of slogans, in early 2006. These were 'Our party, the Taliban'; 'Our people and nation, the Pashtun'; 'Our economy, the poppy'; 'Our constitution, the Shari'a'; and 'Our form of government, the emirate.' Kilcullen, D (2009). *The Accidental Guerrilla: Fighting Small Wars in the Midst of a Big One*. Scribe Publications Melbourne p. 58.

located at Kandahar Airfield (KAF), where the intention was to locate two members as liaison officers and analysts in secure compartmentalised intelligence cells: the Kandahar Intelligence Fusion Centre (KIFC) and the Kandahar Fusion Centre (KFC), and a third member and supervisor of all members in RC(S), to act in the capacity of a law enforcement liaison officer with the British Serious Organised Crime Agency (SOCA) at Kandahar Airfield, dealing primarily with the counter-narcotics effort.

The third location was in Tarin Kot, Uruzgan Province. Three members were located at Tarin Kot, with one member working as a Security Sector Reform (SSR) Adviser to the Dutch Commander responsible for police and SSR in the province. One acted as an intelligence officer within the Tarin Kot Secure Compartmentalised Intelligence Fusion Team (SCIF), with a focus on force protection. And the third member worked within the Tarin Kot Fused Intelligence Team which acted as a clearing house for raw intelligence.

Regional command (south) 2008

The problem from an AFP perspective was, aside from the Kabul-based positions, the members arrived ‘cold’ to establish their own roles within this heavily militarised environment, dominated by the U.S. military, in an active conflict zone. Two of the positions in KAF required an extremely high level security clearance, a fact not relayed to Canberra, which resulted in two members not being able to enter the secure intelligence cells for a number of weeks, until arrangements could be made for them to enter the KFC. The KIFC was a military targeting cell, so AFP presence in this area was ill-advised. Some effective negotiations on the ground in KAF by the senior AFP members there also negotiated placement within a newly-formed outpost of the IOCC in Kabul, known as the *Combined Joint Inter Agency Task Force-Nexus* (CJIATF-N) which was a U.S.-led targeting cell.

The role of the AFP members in this cell was to look for connections between the insurgency and the narcotics trade, and attempt to engender an ability for the Afghan authorities to deal with this, via judicial and police action, rather than kinetic military responses. There was however, a disconnect between the AFP and the ANP in KAF, as the AFP were not permitted off the base and the ANP were not permitted on the base. The counter-narcotics mission was known as Operation Contego. The counter-narcotics mission, however was relatively short-lived as the strategic direction changed in 2009.

Transfer and transition 2009

When the Obama administration took office from the Bush administration in 2009, there was a changed strategy towards the situation in Afghanistan. Bob Woodward (2011) in his book *Obama’s Wars*, makes it clear that President Obama was seeking an exit strategy. In 2009 for the first time the words ‘transfer’ and ‘transition’ appeared. *The model had become clear, hold, hold,*

*hold, hold and hold. Hold for years. There was no build, no transfer.*³³⁷ The question was transfer or transition from what to what?

The answer was, from an international guarantee of safety and security, to a host government guarantee of safety and security, preferably with host state police primacy. The solution, after a number of reports, was a full counter-insurgency (COIN) strategy, which involved one member of the security forces (international or domestic) for every 40 or 50 members of the Afghan community, nation-wide. This was later amended to consider the north relatively benign, as the main insurgency was in the south among the Pashtun Taliban, who considered themselves to be the legitimate government, the Islamic Emirate of Afghanistan, in exile.

Australian whole-of-government strategic objectives 2009

In April 2009, Prime Minister Rudd identified the Whole-of-Government (WoG) strategic objectives, and focus for Australia's contribution to Afghanistan. These included, stabilisation of the Afghan state through a combination of military, police and civilian efforts to consolidate the gains made by Afghan and international military forces; support for counter-narcotics efforts in Afghanistan; the re-establishment of security and rule of law in Afghanistan as an essential requirement for broader development aspirations; the promotion of the capabilities of the Afghan National Police (ANP) and policing agencies.

The AFP expertise in building the capacity of community police overseas was well suited to the training and mentoring of the ANP at the Provincial Training Centre Tarin Kot. The AFP delivered tailored programs on values, ethics, general police duties and human rights. This was an attempt to apply internationally accepted processes and policies regarding the role of a police force within a democratic society in order to generate public confidence. As Kilcullen points out

*Counterinsurgency policing is substantially different from policing in a peacetime environment. The three key components required for effective police work in a counterinsurgency environment are community police officers, who act to secure and protect population centres and delivers basic public order and rule of law; field police (paramilitary organisations sometimes called constabulary or gendarmerie units), who conduct normal police duties but in a higher threat environment and typically are better armed and more mobile than community police; and a police intelligence or police special operations capability (sometimes called a 'special branch') that specifically targets and arrests insurgent underground cells.*³³⁸

The AFP was ill-fitted for all of the roles, as a 2016 Lessons Learned Report on Afghanistan commissioned by the Australian Civil Military Centre stated:

For all their professionalism and experience, however, the AFP is not set up, trained or equipped as the sort of paramilitary force that would have been required to

³³⁷ Woodward, B. (2011), p. 349.

³³⁸ Kilcullen (2009), p. 61.

*undertake joint counter-insurgency training patrols with the ANP and some of what was expected of the AFP went beyond what it is trained, prepared and equipped for, which led to some frustration.*³³⁹

These are all well-intentioned aspirations and theoretically achievable from the safety and certainty of a policy office in Canberra, but concepts such as stabilisation, security and the rule of law, and the application of internationally accepted processes and policies regarding the role of a police force within a democratic society in order to generate public confidence, were not easily achieved in a place such as southern Afghanistan in 2009. Nonetheless, increased pressure was placed upon the AFP to deploy ‘outside the wire’, along the lines of the POMLTs discussed above. It was patently clear to the AFP members on the ground, and to a number of support staff in Canberra, that this was highly risky, both physically on the ground in Afghanistan, and politically in Canberra.

The Provincial Training Centre Tarin Kot

As good fortune would have it, the Dutch were destined to leave Uruzgan Province, as their involvement in Afghanistan became very unpopular, and the Dutch Government had almost fallen as a result. As a legacy project, the Dutch financed and constructed a Provincial Training Centre (PTC) for police in Uruzgan. The reason was that police recruits locally recruited from Uruzgan Province, were fearful of travelling to the adjoining province of Kandahar to undertake training, for fear of the safety and security of their families in their absence. Negotiations occurred on the ground with the Dutch authorities, for AFP trainers to take up positions at the PTC, which was quickly endorsed by AFP Canberra. On 29 April 2009, the Prime Minister announced an additional AFP commitment of up to 10 personnel to act as advisors to Afghan National Police Training staff at the Provincial Training Centre at Camp Holland, Tarin Kot, Uruzgan Province, Afghanistan. These personnel and roles were known as Operation Synergy.

The curriculum for the ANP basic patrolman’s course, was a basic eight week training programme which was developed under the Focussed District Development (FDD) initiative. A member of the initial AFP deployment, had a significant input into the development of this program in his role as advisor to the CSTC-A. The FDD Basic police curriculum was continuously reviewed and enhanced to best meet the needs of the ANP. This is fortunate because the U.S. Commander ISAF, Gen. David Petraeus reviewed the FDD police training course in 2009, and as Woodward states:

*Petraeus had immersed himself in the details. He studied the police training schedule for an eight-week course. He kept looking at it. Something was missing. He soon realised there was no time on the shooting range.*³⁴⁰

³³⁹ *Afghanistan: Lessons Learned from Australia’s Whole of Government Mission*, Australian Civil Military Centre, (2016), pp. 24–25 <https://www.acmc.gov.au/afghanistan/>

³⁴⁰ Woodward, B. (2011), p. 17.

A reality check

An event described by Australian diplomat Ian (Fred) Smith, involving ANP members in Tarin Kot township provides an explanation as to the efficacy of this in a non-permissive security environment such as southern Afghanistan during this period. Mr Smith, a DFAT representative in Uruzgan Province, was due to meet some Afghan representatives from Provincial Governor's office, who were held up by an incident involving a suicide bomber, who was waiting in ambush for them. The bomber was shot in the face by the ANP members present, and is a good example of why a liberal-democratic policing approach to generate public confidence was a flawed approach. Smith recorded how:

The governor said the bomber had been waiting outside the compound for him but when he did not emerge had moved towards the adjacent bank building, where Afghan National Police officers were drawing their salaries as they usually did on Sunday mornings. An ANP officer spotted the bomber and quietly alerted two colleagues; one grabbed the bomber's left arm, the other grabbed his right arm (thereby preventing him from touching together the two detonation wires hidden up his sleeves). The third shot the bomber in the face. Not a bad effort; the governor was pleased.³⁴¹

A deteriorating situation

In Australia, this would be regarded as police murder, and the police concerned would be prosecuted to the full extent of the law. In Afghanistan it was applauded by the governor. The difference lies, in large part, in the permissiveness of the environment and the commensurate tolerance for forceful policing.

There are indications that Mr Rudd was aware of the deteriorating situation on the ground in southern Afghanistan, both as Prime Minister and as Foreign Minister, and that the increasing casualties of Australian soldiers was taking its toll politically. In March 2009, *SBS News* reported that a recent poll indicated that 65 per cent of those polled were against increased troop deployments to Afghanistan. In the same article it was reported that 'the situation in Afghanistan was becoming even more challenging and would require a continued commitment' and 'that progress in Afghanistan would require a better integrated strategy, involving military, police and development assistance.' The following month on 29 April, on the ABC 7.30 Report, Michael Brissenden interviewed Prime Minister Rudd who stated:

Australia concurs with the United States that the current civilian and military strategy is not working. If anything, security in Afghanistan is deteriorating...I think this is going to become progressively an unpopular war. I accept that for the reality that it is. I am also seized of the fact that we have a responsibility to prevent Afghanistan from becoming a training base again for terrorists to go out and kill more Australians, and

³⁴¹ Smith, F. (2016) *The Dust of Uruzgan*, Allen & Unwin, Sydney, p. 300.

*that we have a responsibility to our American ally consistent with our treaty obligations.*³⁴²

This was known to Mr Rudd as early as 2008, as a *Sydney Morning Herald* report from 2010 indicates, with reference to the mass leaking of diplomatic cables by Wikileaks. The article titled '*Rudd: 'Scared as Hell'*' by Philip Dorling and Nick McKenzie on 10 December, stated that the government was deeply pessimistic about Australia's engagement in Afghanistan, and that some officials had described the task of training police in Afghanistan as hopeless. The article further stated:

Referring to Australia's plan to increase funds for training Afghan police - a task undertaken by more than two dozen federal police officers - Mr Smith warned it might involve "putting good money into a bad situation".

Another cable, from December last year, says that "Smith questioned what the AFP would be able to accomplish given the 'train wreck' that they had to be given to work with in the Afghan National Police".

A cable from October 2008, which records what Mr Rudd told a group of visiting US congressmen, says he "concluded by noting that the national security establishment in Australia was very pessimistic about the long-term prognosis for Afghanistan"

*The US cables also reveal that the head of the AFP's International Deployment Group, Assistant Commissioner Frank Prendergast, had also raised concerns about what federal police officers could achieve in Afghanistan.*³⁴³

Nonetheless, Mr Rudd was prepared to place AFP members in harm's way.

President Obama's Exit Strategy 2009-2011

Although the COIN strategy was implemented in April, the situation was further complicated in December 2009, when President Obama promulgated his Final Orders for the Afghanistan-Pakistan Strategy, which included an intention to deny safe haven to al Qaeda, and to deny the Taliban the ability to overthrow the Afghan Government. This was based on a strategic concept of degrading the Taliban insurgency, while rebuilding sufficient Afghan capacity, to secure and govern Afghanistan, thereby creating conditions for the U.S. to commence a reduction of forces by July 2011.³⁴⁴

Once a timeframe had been made known, the Taliban government in exile, was able to work on the population and regularly used direct threats against them via 'night letters', which threatened retribution for those who cooperated with the international forces. This announcement allowed

³⁴² Rudd, K. (2009) *Rudd commits more troops to Afghanistan* Michael Brissenden 7.30 Report ABC, 2009.

³⁴³ Dorling, P and McKenzie, N (2010) *Rudd: 'Scared as hell'* and *Afghanistan: our secret fears*, Sydney Morning Herald, 10 December 2010).

³⁴⁴ Woodward 2011, pp. 385–386.

the Taliban to adopt a posture, where the internationals had ‘all the watches’, but the Taliban had ‘all the time’. In terms of justice and governance, as David Kilcullen has stated: ‘*a government that is losing to an insurgency is not being outfought, it is being out-governed*’.³⁴⁵ The Taliban, as an alternative government, was administering its own form of ‘justice’ and dispute resolution. Those who advocated the application of internationally accepted processes and policies regarding the role of a police force within a democratic society in order to generate public confidence in Afghanistan, were oblivious to the fact that the internationals might have ‘all the law’, but the Taliban had ‘all the justice’.

Operations Synergy and Contego were combined in 2010, to form Operation Illuminate, which continued in all three locations, Kabul, Kandahar and Tarin Kot. The AFP closed its mission in Afghanistan in 2014.

In summary, the AFP also deployed personnel to several Kabul based roles between 2007 and 2014, including a SES level representative from June 2011 until September 2013. The initial role of this member was both as Senior Advisor to the NATO Training Mission-Afghanistan (NTM-A), Deputy Commander-Police and Executive Police Advisor to the Afghan Government’s Deputy Minister for Security. In 2012, this member occupied a lead role on the International Police Coordination Board (IPCB), the main coordination body for police reform in Afghanistan. Other experienced AFP officers undertook advisory roles with either NATO or Afghan authorities, or assisted the European Union Police training mission in Kabul. A number of others performed duties with the Major Crime Task Force, in conjunction with the U.S. Federal Bureau of Investigation.

The most salient lesson learned from an AFP perspective, was the inappropriateness of attempting to apply liberal-democratic policing approaches in a non-permissive environment. As stated by the APMC Report:

*The international military intervention, which began as a counterterrorism campaign increasingly, took on the characteristics of a counter-insurgency campaign and, in significant parts of the country, stabilisation operations of the kind usually seen in post-conflict situations were not possible. Perhaps the best that can be said is that stabilisation-type activities were undertaken in parallel with continuing conflict.*³⁴⁶

If this was a challenge for the ADF, whose role is to engage in both counter-terrorism and counter-insurgency, these challenges were amplified for the AFP IDG, which was established for capacity development in benign environments such as the South West Pacific, rather than active conflict zones such as southern Afghanistan.

³⁴⁵ Kilcullen, D. (2009), p. 60

³⁴⁶ *Afghanistan: Lessons Learned from Australia’s Whole of Government Mission*, Australian Civil Military Centre, (2016), p.4 <https://www.acmc.gov.au/afghanistan/>

Opium

Another context, and the primary reason the AFP was initially deployed to Afghanistan in 2007, was narcotics. According to Rashid (2006) the opium problem in the region began in Pakistan in the 1980s, where the Mujahadin were encouraged to grow and sell opium and heroin to fund their anti-Soviet activities, while the Pakistani ISI and the CIA turned a blind eye. In addition, as the Taliban expanded through Afghanistan, they also assumed control of the opium trade and its export through Pakistan, Iran, Central Asia, and the Arabian Gulf through al Qaeda contacts.³⁴⁷

Crop eradication was seen as problematic because so many low-level farmers and micro-economies were dependent upon the cash crop nature of poppy harvests. Drug money and its associated corruption permeated all levels of society so that nothing could be done without the permission of the drug lords. Nothing could compete with the profits, including substitute crops. No ordinary jobs paid as much as the lucrative drug industry. Drug money funded the Taliban and compensated the families of suicide bombers. According to Rashid:

*one of the major reasons for the failure of nation building in Afghanistan and Pakistan was the failure to deal with the issue of drugs. In 2006 the State Department belatedly conceded that 'Afghanistan's huge drug trade severely impacts efforts to rebuild the economy, develop a strong democratic government based on the rule of law, and threatens regional stability.'*³⁴⁸

There were also very strong links between the drug trade and senior members of the Government of the Islamic Republic of Afghanistan and their families. The corruption and political and economic distortion this created will never be fully assessed, but the detrimental impact as observed by Rashid is profound. Along the lines of Clausewitz, however, due to the reasons discussed, the AFP was subject to distractions from this important effort.³⁴⁹

Section 3: The Australian Federal Police, the United Nations and the International Police Organisation

The AFP and the United Nations

In 2004, under the Howard Doctrine, the AFP IDG focussed its primary attention on the Pacific, indirectly in response to the 911 attacks and Australia's perceived 'Arc of Instability'. Almost ten years to the day of the attacks on the United States of America, on September 8, 2011, the United Nations Secretary General, Ban Ki Moon visited the International Deployment Group training facility at Majura, on the outskirts of Canberra. He toured the facility, including the training

³⁴⁷ Rashid, A. (2006), pp. 319–320.

³⁴⁸ Rashid, A. (2006), p. 330.

³⁴⁹ The AFP did not cease its interest in the opium trade from Afghanistan. A brief explanation of the extent of the trade and recent AFP involvement in the Regional Narcotics Intelligence Fusion Centre in Bahrain is provided at Appendix D.

village constructed following the East Timor intervention in 1999, and adapted to resemble a small village in the Pacific or East Timor, and had a discussion with several senior AFP officers, including Commissioner Negus and Assistant Commissioner Newton, the National manager of the IDG.

Platinum standard

Assistant Commissioner Newton later appeared before the Joint Standing Committee on Foreign Affairs and Trade where she stated:

*when I go and speak at the United Nations; throughout all of the international masterclasses with primary countries like the UK, US, Canada; and throughout the European countries, they all come to us as being the best model in the world for capacity development, and we have the greatest experience. Ban Ki Moon, when he came out to Majura where the International Deployment Group is and our training village is located, views our training as the platinum United Nations training in the world.*³⁵⁰

Credible history

This thesis has explored the evolution of this aspect of AFP ‘boots on the ground’ deployments since 1964, when the British Government requested Australian military assistance for the inter-communal violence in Cyprus, but received a contingent of Australian Commonwealth police instead, which established a precedent for the Australian Federal Police. The AFP subsequently deployed members to Cambodia, (UNTAC) in 1992, Mozambique (ONUMOZ), in 1994, East Timor, (UNAMET, UNTAET, UNMIT, UNMISSET), from 1999 to 2012, Sudan (UNMIS), 2005 and South Sudan, (UNMISS) 2011. The AFP also deployed members to Haiti, Bougainville 1997 and the Solomon Islands (RAMSI), 2003-2017, Papua New Guinea (ECP) 2005 and (PNG APP) 2008-present, Jordan (IPTC)2004 and Afghanistan (Operations Synergy, Contego and Illuminate) 2007-2013. This history was to play a part in Australia’s successful bid for a non-permanent seat on the UN Security Council in 2013–2014.

The AFP Police Adviser UN New York (PAUNNY) and the UN Security Council bid

In 2004, the AFP also deployed a member to the United Nations in New York as a police adviser, known as the Police Adviser United Nations New York (PAUNNY). In 2008, shortly after being elected in a landslide federal election, Prime Minister Rudd launched a bid for one of two non-permanent seats on the UN Security Council (UNSC). He was replaced by Julia Gillard as Prime

³⁵⁰ Newton, M. (2014). *Role of the private sector in promoting economic growth and reducing poverty in the Indo-Pacific region*. Joint Standing Committee on Foreign Affairs, Defence and Trade. 22/09/2014<http://parlinfo.aph.gov.au/parlInfo/search/display/display.w3p;query=Id%3A%22committees%2Fcommjnt%2F0e712173-ec81-47ca-907b-138dd027f315%2F0001%22>

Minister and ALP leader two years later in 2010. Australia's bid was announced as successful on October 19, 2012, under the Prime Ministership of Julia Gillard, who was replaced by Kevin Rudd again in 2013, shortly before the federal election in which the Liberal Government of Tony Abbott was elected.

UN Security Council bid: 2013–2014

Although neither the AFP nor the IDG were not specifically mentioned, during the bid for the UN Security Council seat, Anthony Bergin and Peter Jennings from the Australian Strategic Policy Institute (ASPI), published an article in which it highlighted Australia's

*reputation based on the work we have done in East Timor, the Solomon Islands and elsewhere in coordinating and assisting international missions to stabilise countries which have faced significant internal violence... and a strong record of demonstrating that we know how to do this in a way that is sympathetic to regional concerns.*³⁵¹

The Australian Government in part relied on this sort of advice to support its bid. PAUNNY was the AFP conduit for the passage of advice and information, relying on a support network in Canberra, including an AFP member acting as a liaison officer to the UN Security Council Task Force at the Department of Foreign Affairs and Trade. Australia assumed the non-permanent seat on the UN Security Council for a two year term throughout 2013 and 2014. Aside from making a contribution to the successful bid for the seat, the AFP, through PAUNNY, made three significant contributions over this two year period, in the UN Security Council.

UN Security Council Resolution 2151: Security sector reform – 2014

The first was the provision of experience-based advice to a UN Security Council Resolution, proposed by Nigeria, another non-permanent member, on Security Sector Reform (SSR). This resolution was passed unanimously in April 2014 and was based on professionalisation and better integration and accountability of police, military, border management and maritime agencies. The foundation was that a strengthened security sector is an effective approach to building community trust and confidence, which underpins sustainable stability, peacebuilding and development. The AFP was able to demonstrate that this was achievable, based primarily on experiences in East Timor and the Solomon Islands.³⁵²

³⁵¹ Jennings, P. and Bergin, A. (2010) *An Australian agenda for the UN Security Council*. 10 Oct 2010. The Strategist ASPI. Peter Jennings and Anthony Bergin. <https://www.aspistrategist.org.au/an-australian-agenda-for-the-un-security-council/>

³⁵² S/RES/2151 (2014).

UN Security Council Resolution 2185: Policing an essential part of peacekeeping – 2014

The second was a proposal advanced by Australia, as president of the UN Security Council in November 2014, which sought to resolve to make policing an essential part of peacekeeping mandates and that they be adequately funded. The resolution was unanimously passed on 20 November, and stressed that UN Peacekeeping mandates including police, should be clear, credible and achievable. It also stressed that the effectiveness of United Nations police be supported through proper training, equipment, standards, leadership and gender expertise. Although not specifically mentioned, the impression made upon the UN Secretary General Ban Ki Moon, as related by Assistant Commissioner Newton to the Joint Standing Committee on Foreign Affairs, Defence and Trade, is of direct relevance.³⁵³

UN Security Council Resolution 2166: Malaysian Airlines Flight MH17 – 2014

The third significant contribution made by Australia, and the AFP, related to the shooting down of a civilian aircraft in broad daylight, killing all on board including a significant number of Australians, in a region in which Australia has no strategic interests: Malaysian Airlines Flight MH 17 en route from Amsterdam to Kuala Lumpur. This forms the next section of this thesis.³⁵⁴

³⁵³ S/RES/2185 (2014).

³⁵⁴ S/RES/2166 (2014).

Section 4: Malaysian Airlines Flight MH 17

In July 2014, many of the operational activities of the AFP as an agency of diplomacy, referred to in previous sections of the thesis, were called upon for an incident of mass homicide, involving almost 300 people, including several Australians. This was an incident, of which the victims had no knowledge and no warning, in an area of the globe involved in a conflict, in which Australia had no direct interest. The response by the AFP was immediate and effective, as members with the required skills, worked alongside their international counterparts, in a hostile environment, over a crime scene covering a large area, tasked with the massive task of retrieving the remains of the victims for identification and repatriation, in accordance with the wishes of their surviving kin. The AFP response to this incident was to be known as Operation Arew. It remains an ongoing operation. The perpetrators of what journalist Paul Toohey at the one year anniversary called *one of the greatest crimes of this century*³⁵⁵ remain un-prosecuted.



Figure 11. Map of Ukraine

Source: nationsonline.org

³⁵⁵ Toohey, P. (2015). *Former Air Chief Marshal Angus Houston believes those responsible for the MH17 disaster will face justice*. Paul Toohey. New Corp, Australia Network, July 14, 2015.

The Incident: 17 July 2014

Shortly after midnight (AEST) on July 17, 2014 Malaysian flight MH17, a Boeing 777 en route from Amsterdam, the Netherlands, to Kuala Lumpur, Malaysia failed to respond to calls from Rostov-on-Don air traffic control, and vanished from its intended flight path. The morning media in Australia reported almost three hundred bodies lying in a burnt out fields, near the city of Donetsk in the eastern Ukraine. This area had been contested between the Ukraine Government and pro-Russian, and Russian-backed rebels, who sought unification with Russia. This was not a small scale fight involving small arms: it was a heavily contested war zone in full-scale conflict involving weaponry such as:

tanks, very heavy calibre artillery, mortars, air defence weapons and people wandering around with high power long arms, Kalashnikovs...

The aircraft was shot down ... likely by a separatist-fired, Russian-supplied SA11 (BUK) surface-to-air missile, in what was probably a case of rebels-who are fighting to break from the Ukraine-mistaking it for a Ukrainian military plane near Hrabove village, Donetsk Oblast. Neither side claimed responsibility. The culprits were either the Ukrainian or the Russian-backed separatists-or one of them trying to make it look like the other.³⁵⁶

Why the police?

The decision to deploy the AFP into this heavily contested zone was made by Prime Minister Abbott following a meeting of the National Security Committee of Cabinet. According to some accounts, the Prime Minister was convinced of the efficacy of this strategy, by the ability of the AFP to deploy rapidly. Some accounts indicate that when asked how long it would take the ADF to assemble and respond to this crime scene, the Chief of the Defence Force, responded that it would take approximately two weeks. Apparently when asked the same question, the AFP Commissioner, responded that he could deploy a full team immediately.

One senior AFP member who was involved in *Operation Arew*, indicated that prior to this NSC meeting taking place, the ADF had made an offer of a C17 heavy lift aircraft, to transport AFP to Europe in response. This offer was apparently withdrawn following the NSC meeting for unexplained reasons, but was suspected by this AFP member to be churlishness on the part of the ADF at not being allocated as the lead agency. Regardless of the politics behind this, the fact was that there were several hundred bodies lying in a large field of debris, which was difficult enough on its own. As a crime scene, natural decomposition and animal predation called for a timely response, and AFP was able to fulfil the requirements by utilising civilian air carriers. James

³⁵⁶ Brown, J. (2016) *Firing Line*. Quarterly Essay.

(2016). <https://www.quarterlyessay.com.au/essay/2016/06/firing-line>, p. 50.

Brown, Research Director and an Adjunct Associate Professor at the U.S. Studies Centre, University of Sydney, stated:

*After considering the sensitivities of operating in a war zone and within the shadow of the border of a faded superpower with one of the world's largest conventional militaries, I concluded that the presence of the military would be counter-productive. This mission would be best left to federal police and diplomats, preferably unarmed to emphasise the non-military forensic nature of their work. If the situation was unstable enough to require means of immediate self-defence, the AFP should carry side-arms. As an afterthought, I forwarded my blog post to a friend working in the national security field. He replied almost straightaway to let me know he was thinking along the same lines.*³⁵⁷

About 180 AFP officers were deployed to *Operation Arew*, including disaster victim identification (DVI), investigation and other specialists, some of whom were seconded from the State Police.

International diplomacy

Diplomatic negotiations were complex and were conducted by DFAT officers. These negotiations involved the carriage of firearms by foreign police (AFP) in other jurisdictions, and involved the Governments of The Netherlands and Ukraine as well as the Organisation for the Security and Co-operation in Europe (OSCE). The Ukraine government agreed to cede sovereignty in this case, and allow international police to conduct the investigations. The governments of Ukraine and Australia agreed to a Dutch-led response, with search scene response to be co-ordinated by Australia. This was to be a two-faceted, but combined Disaster Victim Identification (DVI) and Counter-Terrorism (CT) investigation response. The AFP's experience with the Boxing Day Tsunami and various bombings in Indonesia underpinned this decision.

Access was arranged by members of the OSCE, but it was quite restrictive as Australian Special Envoy Sir Angus Houston stated:

*[t]he conditions of access were, you can't stay overnight and you can't carry arms. We never took arms out-they were never needed out there...and had we needed them, we would have been in a heap of trouble. This is high-end conventional type warfare. We didn't want to get anywhere near that and it worked for us.*³⁵⁸

A challenging crime scene

On July 22, 2015, a presentation on *Operation Arew* was given by AFP Commanders Buchhorn and Harrison, and Dr Simon Walsh, to the United Services Institute in Canberra.³⁵⁹ The following

³⁵⁷ Brown, J. (2016) *Firing Line*. Quarterly Essay. (2016). <https://www.quarterlyessay.com.au/essay/2016/06/firing-line>, pp. 50-51

³⁵⁸ Toohey, P. (2015). *Former Air Chief Marshal Angus Houston believes those responsible for the MH17 disaster will face justice*. Paul Toohey. New Corp, Australia Network, July 14, 2015.

³⁵⁹ Presentation to the Royal United Services Institute, ADF HQ Russell, Canberra, 22 July 2015.

is a precis of that presentation. A number of challenging issues were evident on the ground including: (1) access to the scene (2) geographic isolation (3) long supply lines (4) sub-standard convoy transport (5) security (6) technological limitations (7) co-ordination with partners-Ukraine/Netherlands/Malaysia (8) few searchers had trained with previous experience in an active conflict zone.

Priority taskings

The priorities for the police teams were in order: (1) recover remains: due to the altitude and manner in which the aircraft was destroyed, there was severe ‘disarticulation’ of body parts, strewn over a wide area. The debris field was approximately 23 kilometres in dispersal length, and covered an area of approximately 15 square kilometres; (2) recover personal effects-these had already been searched or interfered with by local Ukrainian authorities prior to arrival; and (3) recover wreckage. While the international police teams had ‘permission to do certain things, it should be noted that ‘permission’ in this case was *‘permission at the end of an AK47’* and as such, evidentiary material was the last of three priorities, and on occasion was actively discouraged by the local people on the ground.

There were also issues with identification from ground level, due to the crops of sunflowers and wheat obscuring the view. Thus an aerial perspective was required. This was provided via the ‘Five-Eyes’ intelligence community, of which Australia was the only member among the nations represented. This allowed a process known as ‘geo-tagging’ to be utilised for the first time in such an operation. The potential search areas were ‘sectorised’ and ‘clusters’ identified for ‘highest yield of human remains’.

The search on the ground was a mixture of AFP, Dutch, and Malaysian police, and was led by an AFP Sergeant, Sergeant Rod Anderson, from Gungahlin Police Station in the ACT, who doubled as the Disaster Victim Identification (DVI) Commander for ACT Policing. There were Cadaver K9 dogs, Explosive Ordnance Device (EOD), Chemical Biological Radiation (CBR) and military medics in support. All were unarmed with limited and optional ballistic protection available. Time on task was determined by the prevailing security environment, which was fluid. There were five search teams of five police, each utilising a pre-loaded GPS from the sectoring and clustering process mentioned already.

Safety and security at the end of an AK 47

From a safety perspective the following risks were identified: (1) landmines; (2) gunfire/cross-fire; (3) Indirect Fire (Mortars); (4) risk of hostage-taking; (5) aircraft carbon filaments similar to asbestos; (6) poison oak which can cause severe allergic reactions including rashes if direct contact is made with the skin; (7) TB-which was epidemic in this region; (8) polluted drinking

water; (9) dehydration-which was a problem, particularly for the Dutch police who were unused to working in hot conditions; and (10) chemical safety. This was an issue especially during the Post Mortem Phase due to the use of formaldehyde by the Ukrainian authorities, to preserve the bodies, when they first responded to the incident.

Disaster victim identification (DVI)

DVI is conducted in Four Phases in accordance with INTERPOL Guidelines and the ANZPAA DVI Committee (ADVIC). These are Phase 1-Recovery of remains at the scene; Phase 2 Post Mortem-to establish cause of death; Phase 3-Ante Mortem-information obtained from family to assist with identification; Phase 4 Reconciliation.³⁶⁰

International justice

At the diplomatic level, the Australian Government, through the Foreign Minister Julie Bishop, was pursuing justice in conjunction with the governments of all other nations who lost citizens when MH17 was shot out of the sky. By sheer coincidence, Australia was a non-permanent member of the United Nations Security Council for a two year term 2013-2014. Australia, through Foreign Minister Bishop, proposed a Resolution condemning the downing of the flight, and demanding immediate access to the site, the dignified repatriation of the remains of the victims, and an independent international investigation. UN Security Council 2166 was passed unanimously by the Security Council. Australian Foreign Minister Julie Bishop had previously consulted the Australian Ambassador to the United States, Kim Beazley and CIA Director, John Brennan and the U.S. Director of National Intelligence James Clapper. The content of this meeting is not available, however, it can be safely assumed confidential information relating to suspected culpability was passed to Ms Bishop.

Australia urged the Council to pass Resolution 2166 which:

...underlined the need for a full, thorough and independent investigation into the crash and demanded all military activities in the area cease to enable access to the site....[and was a]... vital point of pressure on those who controlled the crash site to allow access for investigators from Australia and other countries and enabled the victims of flight MH17 to be repatriated and returned to their loved ones.³⁶¹

³⁶⁰ Please see Appendix E for further detail on how this was implemented during Operation Arew.

³⁶¹ *United Nations Security Council Resolution 2166* (United Nations S/RES/2166 (2014)) states inter alia:

- 1. Reaffirming the rules of international law that prohibit acts of violence that pose a threat to the safety of international civil aviation and emphasising the importance of holding those responsible for violations of these rules to account,*
- 2. Stressing the need for a full, thorough and independent international investigation into the incident in accordance with international civil aviation guidelines...*

On the twelve month anniversary of the passing of Resolution 2166, Foreign Minister Bishop published a media release in which she stated:

Australia, Belgium, Malaysia, the Netherlands and Ukraine, the countries undertaking the independent criminal investigation into the downing of MH17, are consulting closely with all members of the Security Council to seek their support to establish an independent tribunal to hold to account those responsible for the downing of MH17.

The independent air safety investigation has been conducted in full compliance with all International Civil Aviation Organization (ICAO) guidelines and Annex 13 of the Chicago Convention. It is an independent investigation with broad international participation.

The UN has expressed confidence that the investigation is being carried out in line with international standards.

The objective of the air safety investigation is to determine the cause of the MH17 incident – it is not intended to identify whether any crimes have been committed or to identify those responsible.

Alongside the air safety investigation, the law enforcement authorities of Australia, Belgium, Malaysia, the Netherlands and Ukraine have been cooperating in a Joint Investigation Team to conduct a criminal investigation. This investigation has been equally comprehensive and independent, carried out in accordance with the highest international standards.

Consistent with standard practice, and to ensure that future prosecutions are not jeopardised, the criminal investigation is confidential: it will not result in the publication of a report that will be available to anyone other than the prosecuting authority.³⁶²

The AFP is the Australian police representative in the Joint Investigation Team, and as such will contribute to the evidence presented in the Dutch prosecution of any offenders identified and charged. This is not only serving justice, but has potentially global diplomatic consequences.

Russian obstruction

On 21 July 2014, Resolution 2166 was passed unanimously by the Security Council, including Russia, which later created an obstacle to its implementation. One year later, the Government of Malaysia, supported by Australia, the Netherlands and Ukraine, proposed a resolution to the UN

3. Supports efforts to establish a full, thorough and independent international investigation into the incident in accordance with international civil aviation guidelines; 4... States who have lost nationals on MH17, to institute an international investigation of the incident, and calls on all States to provide any requested assistance to civil and criminal investigations related to this incident; 9. Calls on all States and actors in the region to cooperate fully in relation to the international investigation of the incident; 11. Demands that those responsible for this incident be held to account and that all States cooperate fully with efforts to establish accountability. (UNSCR 2166, 2014]

³⁶² DFAT (2015) *An MH17 tribunal: why it is necessary and timely*: Media release Foreign Minister The Hon. Julie Bishop :21 July 2015.

Security Council, to establish a tribunal to investigate this event. This proposal was vetoed by the Russian Federation, as a Permanent Member of the UN Security Council. The Protection of Civilians was highlighted by most speakers during the debate on Resolution 2166. Ironically, as the Resolution was being debated, the Russian representative stressed that such protection was a national responsibility and that national sovereignty should be respected. On the subject of the protection of the civilians aboard the aircraft, Russia remained silent.

Actually eleven countries of the 15-member council voted in favour of the proposal by Malaysia, Australia, the Netherlands and Ukraine, while three countries abstained: China, Angola and Venezuela. A number of excerpts from various statements provides some background to the positions adopted by some of these nations.³⁶³ Russian representative Vitaly Churkin said:

the Russian Federation did not support the creation of an international tribunal under Chapter VII, as resolution 2166 (2014) had not considered the downing of the aircraft a threat to international peace and security.

This was vehemently disputed by the majority of other nations which made statements. The Angolan representative, Joao Iambeno Gimoleica, ‘... emphasized the need to hold the perpetrators accountable, bring justice to the victims and their families and ensure the safety of civil aviation...’ but further stated that... ‘...the establishment of an international tribunal was premature, given that the investigations were ongoing.’

While the Venezuelan representative, Rafael Dario Ramirez Carreno, stated that ‘Justice must prevail’ and added that... ‘We must not prejudge or reach conclusions that are unfounded.’ Tellingly, no suggestion was made as to how well-founded conclusions can be drawn without such a tribunal. The Chinese representative, Liu Jieyi justified abstention on the basis that there was no consensus indicating that the³⁶⁴ ‘... focus should be on seeking justice and ending impunity... Consensus on the draft would have sent a positive message, whereas a divided Council would impede the cause espoused.’³⁶⁵

There were an overwhelming number of voices supporting the Malaysian proposal. Most objections related to the fact that attacking civilian passenger aircraft was a threat to international peace and security, in direct contradiction of Russia’s rationale for the veto. This extended to the actual and perceived impunity afforded to the perpetrators by the Russian veto, and the message of impotence it sends to those malign actors, including ideologically based terrorists, who would

³⁶³ UN.org. (2017). *Security Council Fails to Adopt Resolution on Tribunal for Malaysia Airlines Crash in Ukraine, Amid Calls for Accountability, Justice for Victims* | Meetings Coverage and Press Releases. [online] Available at: <http://www.un.org/press/en/2015/sc11990.doc.htm> [Accessed 9 Sep. 2017].

³⁶⁴ UN.org. (2017). *Security Council Fails to Adopt Resolution on Tribunal for Malaysia Airlines Crash in Ukraine, Amid Calls for Accountability, Justice for Victims* | Meetings Coverage and Press Releases. [online] Available at: <http://www.un.org/press/en/2015/sc11990.doc.htm> [Accessed 9 Sep. 2017]

³⁶⁵ This of course, is consistent with justifying China’s own veto power when it is required over issues such as Taiwan and the South China Sea.

seek to target civilian passenger aircraft. This diverse group of voices included those of Malaysia, Indonesia, Vietnam, Chad, the United States, Australia, New Zealand, France, Germany, Israel, Lithuania, Chad, Spain, Chile, Britain, Belgium, the Netherlands, Canada, Ireland, the Philippines and Ukraine. The Ukraine representative Pavlo Klimkin, the Ukraine Minister for Foreign Affairs, summed up the unspoken sentiments of many when he stated:

*There is no reason to oppose such a move unless you are one of the perpetrators...The Russian Federation's role in the conflict in Ukraine was clear and well known...and its veto needed to be seen in that context. The hope for justice remained alive. The Russian Federation's use of the veto may have killed the draft resolution today; it would not be able to kill the hopes of people around the world to see justice prevail.*³⁶⁶

Evidence for prosecution

If and when an international tribunal is established to investigate this crime and bring the perpetrators to justice, much of the evidence obtained and submitted, will have been collected by AFP members. The Joint Investigations Team continued in its duties. One member, Detective Superintendent Andrew Donoghoe, observed:

*An overwhelming amount of information has already been collected. This includes video files, photographs, interviews, witness statements, telephone intercepts, and lots of intelligence. A vast amount of forensic examination work has been completed. 'It's a very big repository of evidentiary information that takes time to meticulously scour-and access to the AFP's electronic resources for our members in the Ukraine can also be challenging. But we continue to look for the clues that re going to lead us to the right solution to the problem we have.'*³⁶⁷

Prosecution in the Netherlands

On 5 July 2017, the Government of The Netherlands announced that the members of the JIT, Australia, Belgium, Malaysia, the Netherlands and Ukraine, had decided that the suspects should be prosecuted in the Netherlands and that the Dutch Public Prosecution Service will take appropriate decisions regarding criminal prosecution at the appropriate time. All JIT countries have expressed their full confidence in the Dutch legal system and the ongoing criminal investigation continues to enjoy virtually unanimous support from the international community. This will see members of the AFP giving evidence in a Dutch court against those who will eventually stand accused of this crime.

This could potentially involve the charging and conviction, in absentia, of senior members of the Russian military, and possibly also senior political figures. The London-based freelance

³⁶⁶ UN.org. (2017). *Security Council Fails to Adopt Resolution on Tribunal for Malaysia Airlines Crash in Ukraine, Amid Calls for Accountability, Justice for Victims | Meetings Coverage and Press Releases*. [online] Available at: <http://www.un.org/press/en/2015/sc11990.doc.htm> [Accessed 9 Sep. 2017].

³⁶⁷ *Pursuing the Truth*, AFP Platypus Magazine, ed. 120 (2016), p. 18.

investigative body Bellingcat, has provided information to the JIT based in The Netherlands in which it identifies Russian Major General Sergey Nikolaevich Dubinsky, born August 9, 1962... *'as a key—or perhaps even the key-figure in organizing the transport of Buk 332 from Donetsk to a field south of Snizhne on the day of the tragedy'* and links him to the incident via a series of photographs and telephone intercepts.³⁶⁸

This information is highly circumstantial, and Major General Dubinsky is as entitled as anyone, to the presumption of innocence. Should the criminal prosecution in The Netherlands find him and his associates guilty of this crime, even in absentia, the implications for them are significant. Such a conviction could result in an INTERPOL Red Notice, which would result in immediate arrest should he or his associates cross an international border upon leaving Russia. It is noteworthy that not even a Russian veto in the UN Security Council can prevent that from occurring. This is testimony to the underlying principle of the separation of powers, even on a global scale, between the executive, in this case the UN Security Council and the justice system, in this case the combination of the Dutch judicial system and INTERPOL.

The AFP and INTERPOL

The relationship the AFP has with the UN dates from 1964, when one of its predecessor organisations, the Commonwealth Police, deployed to Cyprus. Since then a credible history has evolved, which resulted in a platinum standard training capability and contributed to Australia securing a non-permanent seat on the United Nations Security Council. During its term on the Council, Australia influenced global affairs in relation to international policing, in part relying on the AFP's involvement. The AFP's experience, was therefore able to provide a demonstrable link between the theoretical and the practical, by two unanimously adopted Resolutions relating to police. The involvement of the Australian Foreign Minister in the unanimous adoption, and subsequent pursuit of the offenders in relation to the mass-murder of passengers aboard MH17, and Australia's response on the ground, which involved the AFP deploying large numbers of members to an active war zone, way out of the Indo-Asia-Pacific region, is a direct link between Australian foreign policy and its implementation at the highest global level. This is practical diplomacy in uncharted waters.

The fact that the UN has been unable to follow through on Resolution 2166, due to a veto by the Russian Federation, is an unfortunate result of the highly flawed construct of the UN generally, and the Security Council specifically, since its inception in the late 1940s. The fact that there is a separate international policing organisation, independent of the UN, known as INTERPOL, is

³⁶⁸ Bellingcat, (2017). *Pre-MH17 Photograph of Buk 332 Discovered*, June 5, 2017. Bellingcat Investigation Team. <https://www.bellingcat.com/news/uk-and-europe/2017/06/05/pre-mh17-photograph-buk-332-discovered/>

testimony to the utility of that independence. The UN focusses its international policing efforts on the provision of uniformed police responding to long-term crises and capacity development, and the AFP has played its part in this, as discussed.

The AFP is also the Australian representative for INTERPOL, the organisation which may well prove successful in bringing the MH17 offenders to justice, via a prosecution by the Dutch Government, and the subsequent issue of INTERPOL Red Notices (for arrest) should the prosecutions result in convictions.³⁶⁹ This epitomises the horizontal and vertical relationships and networking advocated by Slaughter as ‘new diplomacy’.

The new security dilemma: Expect the unexpected

AFP Operation Arew thrust the AFP into the global spotlight, once again in the wake of a tragic event which involved the loss of life of a significant number of Australians, and victims from other countries. The AFP response was rapid and the way in which members meshed seamlessly with their international colleagues, stands as testimony to their versatility and professionalism. They served their nation with pride, courage and skill. This event was unexpected, but like the other tragic mass casualty events discussed throughout the thesis, they are now on the threat horizon as a reality. It may not be a surface to air missile next time, but there are enough ideologically driven extremists, with the intent to target civilian airline traffic indiscriminately, that the next mass casualty event, involving airlines somewhere in the world is only a matter time. The AFP performance in Operation Arew in 2014 is evidence of the preparedness to respond in a similar way if required. As AFP Commissioner Colvin stated at a Lowy Institute address in March 2015:

*Had you asked me 12 months ago if could I see a situation where the AFP would deploy teams of unarmed men and women to the heart of an active conflict zone in eastern Ukraine – with no notice, no area familiarity, no established links or local partnerships – to identify and bring home the remains of Australian victims, and to investigate the shooting down of a passenger plane, I would probably have told you that even as a hypothetical exercise, it was a bridge too far. But we did it, and we did it very well.*³⁷⁰

Is this diplomacy by default?

The period 2007 to 2014 was one in which the versatility of the AFP was called upon by a new government in areas in which expectations were unrealistically high, and were tinged with the optics of politics. The challenging situations faced by the AFP in both Papua New Guinea and Afghanistan, had some similarities, including difficult geographic and human terrains, and a politically-driven attempt to fit a liberal-democratic policing template in culturally inappropriate

³⁶⁹ Please see Appendix F: INTERPOL.

³⁷⁰ Colvin, A. (2015) *Lowy Institute Address*, 5 March 2015. <https://www.afp.gov.au/news-media/national-speeches/lowy-institute-address>

contexts. The inability of the AFP to meet unrealistic, politically-driven expectations resulted in frustration and the eventual financial stifling of the IDG concept. Nonetheless, the achievements of the AFP, particularly the IDG, formed part of the successful pitch by the Australian Government for a non-permanent seat on the United Nations Security Council. Ironically, it was during Australia's term on the UNSC that three resolutions in which the AFP had a direct stake were passed. Two related to UN policing and security sector reform, and the third related to the downing of Malaysian Airlines Flight MH17, in an incident to which the AFP deployed rapidly and effectively.

The MH17 response was called Operation Arew, which is an obsolete word for 'in a row'. The immediate, medium and long-term engagement of AFP in relation to this atrocity could result in offenders being tried in absentia in a court in the Netherlands, and could result in travel restrictions being placed upon military officials and possibly others, from a resurgent superpower. The response, the evidence, the prosecution in the Netherlands and potential international action through INTERPOL, all have the potential to line up in a row to serve justice, in an unprecedented circumstance.

The four case studies in this chapter are demonstrative of the versatility and willingness of the AFP and its members to engage in a diverse range of activities. Deployments to Papua New Guinea, Afghanistan and Ukraine, have all involved the application of diplomatic qualities listed by both Copeland and Meyer. They have all involved communication, negotiation and reporting as outlined by Jonsson and Hall. The networking involved in Operation Arew and the likelihood of the judicial outcome are reflective of Jonsson and Hall's replication of international society and Slaughter's '*new diplomacy*'. These practical examples, in three diverse geographic and cultural contexts, coupled with the theoretical input by the AFP into the UN Security Council Resolutions with global significance for UN police, provide a solid foundation upon which the AFP and its members can rightfully claim to be '*diplomats by default*'.

Summary and conclusion

The major global influences in the post 1945 world were new internationalism, UN-inspired post colonialism and self-determination and Cold War dynamics, including proxy wars in South East Asia and Indo-China, and South West Asia, particularly Afghanistan. The AFP was deployed to Papua New Guinea to address some of the poor governance outcomes which ironically had arisen from the haste with which it was granted independence in 1975. This has encountered some obstacles which are difficult to overcome. These include some of the political, legal and cultural influences over which the AFP has no control. The influence of the MSG and its 'look north' policy has not been helpful. This has resulted in a perception by some, particularly DFAT of the

AFP being ineffective. There are alternative motives for DFAT to hold such a position, primarily a desire to take control of the funding attached to the PNG-APP program.

The AFP was also deployed to Afghanistan, in part, to address the narcotics industry and its impact on legitimate governance in that country. This activity fell afoul of ODA funding guidelines and as a result the AFP was re-tasked to engage in training at the PTC. When the AFP reneged on an opportunity to engage in the proposed POMLT model, based on its own risk assessment, it incurred further opprobrium by the government of the day. The AFP became embroiled in a change in strategy, from a military-centric counter-terrorism approach, to a population-centric, counter-insurgency approach. The AFP was not well suited to either and its activities in Afghanistan were largely related to political optics rather than operational effect.

The opprobrium arising from perceived AFP deficiencies in PNG and Afghanistan under the Rudd Government were somewhat restored under the Abbott Government when it responded to the MH17 disaster. This response was immediate and meticulous, and is likely to result in AFP members giving evidence in a Dutch criminal court, which could result in international travel restrictions being imposed on those found guilty. In all probability this involves senior members of the Russian military.

The downing of MH 17 demonstrated how there is no other organisation in Australia, or in its region, that had the combined attributes of flexibility to respond rapidly to such an unexpected event, and the versatility, within its own ranks, to ensure that the response was as comprehensive as possible. This ranged from the DVI, forensic, search and rescue, investigation, intelligence, Special Response Group, Family Investigative Liaison Officers and the Ceremonial and Protocol Officers. The fact that these elements exist under the one command, is evidence that the AFP in such circumstances is capable of effectively linking a response to a tragic event of mass murder with the families of those victims. This is demonstrative of the new diplomacy as advocated by Slaughter.

The fact that they may play a significant part in a criminal trial potentially involving senior Russian military and possibly political figures, places them in as high a profile as any ordinary police officer can be placed. If their evidence forms part of a successful prosecution, and restricts the ability to travel of those convicted, it is not just a partial closure for the victim's relatives, but a significant advancement in global justice and the dismantling of impunity, which has served to undermine confidence in the international rules-based order.

Chapter 6: The AFP and Interconnectedness: Domestic, Regional and Global Networking for a Safer Australia

Overview

A general discussion of international policing and the operational role the AFP plays in global policing is appropriate for this thesis at this point. Greener (2012) wrote how Lord Davies first raised the concept of an international police force in the 1930s. As mentioned earlier in this thesis, United Nations Secretary General U Thant, claimed that he had no doubt that the world should eventually have an international police force which will be accepted as an integral and essential part of life in the same way as national police forces are accepted.³⁷¹

This has not materialised in any structured sense, perhaps due to Slaughter's *globalisation paradox*, of both needing and fearing global government simultaneously. However, the AFP has demonstrated it is sufficiently versatile and flexible, to provide '*boots on the ground*' policing when required, as well as a world class forensic and investigative veracity to respond at short notice, in extremely challenging circumstances. It also has the capacity to provide evidence in a court, with implications at the highest international level, both directly and through its membership of INTERPOL. In all of these endeavours, the AFP has made a positive contribution to maintaining an international order based on the rule of law. This in itself is demonstrative of its own form of international diplomacy.

As discussed in previous chapters, the AFP is a distinctive organisation. It has a relatively brief, but compact history, in which a diversity of duties and a versatility of approaches, have featured prominently, both nationally and internationally. It is Australia's international face of policing and has served the interests of successive governments, as well as the people of Australia, with distinction. This has been achieved in part, by service in an ever evolving international environment, and in this regard, has developed a high level of credibility, both in terms of peacekeeping, training, advising and police development missions, as well as specialist responses to incidents such as the Bali bombings in 2002, the Indian Ocean Tsunami in 2004 and the downing of Malaysian Airlines flight MH 17 in 2014.

The AFP has an extensive international liaison officer network. The Federal Agents who deploy internationally, carry with them the values, principles and approaches to policing, which they apply domestically, and adapt them to suit a multitude of unfamiliar, challenging and occasionally hostile environments. This includes adherence to common law principles, Peelian notions of

³⁷¹ Bowling and Sheptycki 2012, p. 4.

preventative, community-based policing, and the AFP values of, fairness, accountability, excellence, integrity, commitment, trust and respect.

Section 1: The Australian Federal Police centrally located and widely dispersed

The AFP is the chief source of policing advice to the Australian Government, and is mandated to perform its duties with strict impartiality and objectivity. It operates in a constantly evolving environment, which requires both capability and capacity, in response to rapidly changing priorities, in fluid international criminal and ambiguous political and legal environments. It must adhere to the common law principles, the community-based preventative approach and the AFP principles, which underpin its credibility, with both the government of the day, and with the broader community. The ability to make sound decisions, and be accountable for those decisions is vested in the lowest levels of the policing hierarchy, namely at the level of Constable. This is a unique feature of British-based Peelian policing, which in the case of the AFP, has been applied at a national level. The AFP has an empowered workforce. Its' integrity as a trusted organisation, is reflected in a poll of nationally recognised organisations in January 2017. Essential Research conducted a poll of more than 1000 respondents, which revealed that the AFP had 69 per cent 'total trust' from those polled, closely followed by state police on 67 per cent. Others such as the High Court (62%), the ABC (53%) and the Reserve Bank (51%) rounded out the top five. The bottom five for 'total trust' were Federal Parliament (30%) , Religious Institutions (28%), Trade Unions (27%), Business (27%) and Political Parties (17%).³⁷²

As an Australian Government agency, the staffing of the AFP is responsive to government priorities, including budgetary concerns. As at the end of 2016, the AFP listed a staff of 6580, 35% of whom are female, and include 3436 sworn police officers, and 661 protective service officers, with 282 staff serving overseas. The AFP has a relatively low attrition rate of 2.4%, which is testimony to the working environment, and the value members place upon their work. It is also demonstrative of a highly experienced workforce, with its own well established internal networks, working in accordance within a mutually understood set of values and principles, as outlined.

The AFP polices at three levels: local, national and international. At the local or community level the AFP provides general, community policing in the Australian Capital Territory (ACT), including Jervis Bay on the New South Wales south coast and Australia's External Territories, Norfolk Island in the Pacific Ocean, and Christmas Island and Cocos (Keeling) Islands in the

³⁷² *Essential Research Poll January 2017*: http://www.essentialvision.com.au/wp-content/uploads/2017/01/Essential-Report_170124.pdf

Indian Ocean. The AFP also provides uniformed police at eight designated Australian airports, in all the mainland state and territory capital cities, as well as Cairns and Gold Coast airports.

At the national level, the AFP has a broad remit of responsibilities which include, fraud and corruption offences against the Commonwealth, Victim Based Crime, such as the kidnapping for ransom of Australian citizens travelling internationally, child sexual and servitude exploitation offences and cyber-crime investigations. The AFP also provides close personal protection for Australian High Office Holders, such as the Prime Minister and the Governor General, as well as foreign dignitaries in Australia, such as Ambassadors and High Commissioners, as well as visiting international dignitaries.

Counter terrorism

The AFP was established in the wake of an act of violent extremism in Sydney in 1978, and continues its involvement in counter-terrorism investigations, particularly those with an offshore element, including Australians who have travelled overseas as ‘foreign fighters’ in places such as Syria and Iraq. The return of these people to Australia, and to the South East Asian region, is of concern to all police agencies in the region, as events in Mindanao in the southern Philippines in 2017 demonstrate. In conjunction with State and Territory police, the AFP coordinates Joint Counter Terrorist Teams (JCTT), formed after the Bali bombing in 2002, in all Australian capital cities. This provides a direct link for information and intelligence exchange with international partner agencies in the South East Asian region through ASEANAPOL, the South West Pacific, through PICIP, and further afield through EUROPOL and INTERPOL. In addition, like its military counterpart, the AFP is a member of the ‘Five-Eyes’ law enforcement community, which includes, Australia, Britain, Canada, New Zealand and the United States, the most trusted of law enforcement partners.

Narcotics

Much of the AFP’s international engagement has its historical roots in the long association with the international trade in illicit narcotics. This commenced with a strong presence in South East Asia from its inception in the 1970s, as the trade in opiates such as heroin, began to impact on the Australian criminal environment at the end of the Vietnam War, sourced primarily from the ‘Golden Triangle’ in northern Thailand, Laos and Myanmar. More recently, the AFP has worked cooperatively with police agencies in this region, including those with which Australia has had less than cordial diplomatic relations.

Joint task forces

Currently the AFP has Joint Task Forces with China (Taskforce Blaze), Vietnam (Taskforce Storm), and Thailand (Taskforce Dragon), in relation to Border Controlled Drugs (BCD), most

of which at present appears to be Chrystal meth amphetamine or ‘ice’, sourced from southern China. The AFP is also connected throughout the Pacific in relation to the transit of cocaine from the Americas, through the Pacific Transnational Crime Network (PTCN), based in Samoa. These are important aspects of the long-term AFP strategy to tackle international crime at its source.³⁷³

Joined-up government

In the new millennium, while many of the regional police deployments were taking place, there was a growing realisation that Australia was also vulnerable to the threat posed by global jihadism. A sizeable diaspora from many Islamic countries and proximity to the world’s largest Islamic nation, made it prudent to position the Commonwealths law enforcement body closer to the government security architecture. Thus the AFP expanded its relationships both domestically and internationally.

In an article on ‘joined-up government’, Dr Alan Ryan, Executive Director of the Australian Civil Military Centre argued for a... *higher level of multiagency interconnectedness than ever before...* because *[c]ontemporary crises arise suddenly, and require greater levels of readiness from a more diverse ‘team of teams’ than in the past.*³⁷⁴. As discussed, the AFP has been highly responsive to short notice crises, such as the UNAMET mission in East Timor in 1999, the Bali bombing in 2002 and most recently the downing of MH17 in 2014. The following discussion will demonstrate that the AFP is well positioned both within the machinery of government and is strategically located globally to address routine, and reasonably foreseeable criminal activity likely to impact on Australia. The AFP is structurally linked-in to a global network of trusted contemporaries in the law enforcement community, to enable the rapid transmission of information, in an era when such transmission has never been so important to preserve public safety and community cohesion. In this capacity, the AFP is able to provide, independent insight and influence directly to where it is needed. This is practical diplomacy and is an example of the sort of communication aspects of diplomacy outlined by Jonsson and Hall.

Section 2: The Australian Federal Police in ‘whole-of-government’

This section will demonstrate how the contemporary AFP epitomises Dr Ryan’s ‘*higher level of multiagency interconnectedness.*’ The discussion will commence by outlining how the AFP is linked into domestic law enforcement and intelligence communities, followed by a discussion on

³⁷³ Taskforce Blaze is a joint taskforce between the AFP, and other Australian law enforcement agencies, and the Chinese Narcotic Control Bureau, focussed on opiates and methamphetamine, commenced in November 2015. This has resulted in the seizure of over 13 tonnes of illicit drugs and precursor chemicals and 215 arrests, 117 in China and 98 in Australia.

³⁷⁴ Ryan A (2016) *Delivering ‘joined-up’ government: achieving the integrated approach to offshore crisis management.* The Strategist. ASPI 29 Nov 2016.

the AFP's regional engagement in South East Asia and the South West Pacific, and finally on the AFP's engagement further afield in the global environment. The ACMC also lists a progressive list of broad ways in which entities interrelate including co-existence, communication, cooperation and collaboration. It has been argued throughout this thesis that the AFP is at its most effective when cooperating and collaborating with partners, and not competing with them.

National Police Agency

With an increased realisation in the new millennium, that the domestic security challenges facing Australia, required some 'whole-of-government' approaches, the AFP, as the national police agency and primary law enforcement representative, and adviser to the Federal Government, moved closer to a position of trust within the national security architecture in the post 911 environment. This meant strengthening existing relationships with long-standing partners, such as the State and Territory police agencies. In addition, it resulted in establishing strategic and operational relationships with agencies departments, and organisations, which had heretofore been primarily transactional, including the Defence Department, the Australian Defence Force (ADF), and the Department of Foreign Affairs and Trade (DFAT). Links with other government agencies including the Attorney-General's Department (AGD) (of which the Department of Justice is a sub-set), and newly formed agencies such as the Department of Immigration and Border Protection (DIBP), and its enforcement arm the Australian Border Force (ABF) have proven invaluable in assisting the AFP to achieve its mandate, as have links with the Australian Intelligence Community (AIC).

Under different constitutional, structural, and socio-legal circumstances, this sort of centralised activity by one organisation, particularly a policing organisation, might be cause for concern, as it may result in a potential 'big brother'-like collection of information with an attendant potential for abuse of the power, such mass information holdings could provide. As discussed, however, the combination of a liberal-democratic community-focussed policing posture within a strong federated structure provides sufficient accountability and responsibility to largely mitigate any such concerns. This in part, addresses Slaughter's globalisation paradox.

Operational areas

The way in which the AFP is structured internally, provides an overview of the breadth and depth of coverage, within the Australian policing environment, provided by the AFP, and also demonstrates the direct linkages with the Australian community, a feature not shared by either the military or the foreign service. The AFP has six operational areas, each headed by a SES Band 2 (2 Star), with the rank of Assistant Commissioner. They are: (1) ACT Policing; (2) Aviation and Protection; (3) Counter Terrorism; (4) Organised Crime and Cyber; (5) Crime Operations; and (6) International Operations. Each represent discrete portfolios, but in many cases have

overlapping responsibilities, including some with international partner agencies. The AFP International Operations portfolio will be discussed in the regional and global setting as distinct from the domestic responsibilities of the AFP.

Section 3: The Australian Federal Police International Operations portfolio

Since its foundation in 1979, the AFP has an extensive international liaison officer network with a fluid number of about 100 officers, located in approximately 30 countries. The locations vary in accordance with emerging crime types, national priorities and the over-arching strategy of fighting crime at its source. Traditionally this has been largely narcotics related and thus concentrated in South East Asia. As opposed to the *'Boots on the ground'* aspect of AFP international policing, this network is more operationally focused, dealing with normal police enquiries and criminal intelligence, as well as developing relationships with representatives from the host state police and relevant departments and agencies. It was a combination of this positioning within the Whole-of-Government architecture in the domestic security and intelligence space, and in regions far afield from Australia which allowed the AFP to have an officer deploy immediately from Belgrade to Kiev in 2014, to commence dealing with the Ukrainian police upon learning of the downing of MH17.

The rise of organised crime, often ethnically-based, such as the Chinese triads, Italian mafia, Mexican and South American cartels and others, combined with a contemporaneous rise in politically-motivated groups such as the Irish Republican Army and the Palestinian Liberation Organisation, meant that the AFP liaison officer network expanded into other regions including Europe, North America and the Middle East. Australia's membership of the 'Five Eyes' law-enforcement community means that information concerning criminal enterprise or trends can be exchanged between trusted partners very rapidly.

The AFP's largest overseas liaison post is in Jakarta, the capital of the Republic of Indonesia, as both the AFP and the Indonesian National Police (INP) address issues of common import to their respective governments and communities. This includes terrorism, fraud, people smuggling, child sex exploitation and other serious crimes. This co-operative relationship is replicated with varying degrees of success in other countries, and demonstrates that despite what can sometimes be a fractious political or diplomatic relationship, such as the immediate aftermath of the UNAMET/INTERFET era in East Timor in 1999-2000, the police to police relationship can endure and prosper, due to a combination of a common interest in the welfare of each respective community, and a professional relationships built on trust and understanding.

International operations

The International Operations portfolio, based in Canberra, with managers dispersed globally,³⁷⁵ was created in 2015, from an amalgamation of the International Liaison Officer Network, responsible for the management of AFP liaison officers worldwide, and the International Deployment Group (IDG), responsible for ‘boots on the ground’ deployments of AFP members. The duties of the latter involve traditional peacekeeping, regional police capacity development and an assortment of other duties, including advisory and training, many of which have been discussed in previous sections. The international aspect of crime impacting on Australia was raised in May 2017 when AFP Commissioner Colvin addressed the National Press Club of Australia and stated:

*Crime in Australia is increasingly emanating from, being directed by, or having a significant overseas element. We estimate that about 70 percent of Australia’s serious criminal threats have an international dimension...nearly three quarters of serious crime impacting Australia has overseas aspects. The AFP has built an extensive international liaison network and it is a cornerstone of our organisation, and put simply, our efforts to cripple organised crime would be futile without it. Our work with partner agencies in these locations is crucial in disrupting crime before it can even reach our shores.*³⁷⁶

³⁷⁵ There are five Managers at the Commander, or three-star level within the International Operations portfolio with line responsibilities on a regional and global basis:

Regional

Manager Pacific, based in Canberra, responsible for police regional capacity development programs under the Pacific Police Development Program-Regional (PPDP-R) in Republic of Marshall Islands, Federated States of Micronesia, Palau, Kiribati., Nauru, Niue, Cook Islands and Tuvalu, and for more involved police capacity development programs in Papua New Guinea (PNG-APP), the Solomon Islands (Solomon Islands Police Development Program), Tonga (Tonga Police Development Program (TPDP)), Samoa (Samoa-Australia Police Program (SAPP)) and Vanuatu (Vanuatu Australia Police Program (VAPP)), as well as the Timor Leste Police Development Program (TLTDP). In addition the Manager Pacific has responsibility for oversight of the AFP’s community policing obligations in Australia’s external territories on Norfolk Island in the Pacific Ocean, Jervis Bay Territory on the New South Wales Coast, Christmas Island and Cocos (Keeling Islands) in the Indian Ocean. The Manager Pacific is supplemented by two additional Canberra-based SES Band 1 Commanders: the Manager International Engagement and the Manager International Strategy.

The Manager South East Asia, based in Singapore, responsible for liaison posts in: Manila, Kuala Lumpur, Singapore, Jakarta and Semarang (JCLEC) and Bali. The Manager South East Asia is based in Singapore, responsible for liaison posts in: Manila, Kuala Lumpur, Singapore, Jakarta and Semarang (JCLEC) and Bali. The Manager Asia is based in Beijing, responsible for liaison posts in: Islamabad, New Delhi, Beijing, Guangzhou, Hong Kong, Hanoi, Yangon, Bangkok, Phnom Penh and Ho Chi Minh City. The Manager Europe, Africa, Middle East is based in London, responsible for liaison posts in: Belgrade, The Hague, London, Lyon. Ankara, Beirut, Amman, Dubai and Pretoria. The Manager Americas is based in Washington, responsible for liaison posts in: New York (the Police Advisor UN New York-PAUNNY), Washington, Los Angeles and Bogota, Colombia.

³⁷⁶ Colvin, A. (2017) AFP Commissioner, Address to the National Press Club May 2017.

The AFP and Regional Police Fora

The AFP has well established links with partner policing and law enforcement agencies in the South East Asia and South West Pacific regions. Through membership or affiliations with supra-national peak police representative bodies, such as that representing the *Association of South East Asian Nations* (ASEANAPOL), of which the AFP has been a dialogue partner since 2008, and that representing the *Pacific Island Forum* (PIF), the *Pacific Islands Chiefs of Police* (PICP), of which the AFP is a founding member.

South East Asia

ASEANAPOL

Australia's interests in South East Asia lie in long-standing, and well-established relationships with the governments in that region, dating from colonial times, and forged through the turmoil of hostile Japanese occupation in the 1940s. The Association of South East Asian Nations (ASEAN) was formed in the 1960s, as a pro-western body of the five original likeminded nations, Singapore, Malaysia, Indonesia, Thailand, and the Philippines. Brunei joined in 1984, after gaining independence. ASEAN formed a bulwark against southward communist expansion, from China and Indo-China. In a policing sense, this schism has largely been healed with the incorporation of the Indo-Chinese states of Vietnam, Laos and Cambodia, as well as Myanmar into ASEAN, thus growing its membership to ten. ASEANAPOL represents police from each of those ten nations.

ASEANAPOL has a number of dialogue partners including Australia, China, Japan, Republic of Korea, New Zealand, Russia, Turkey, and INTERPOL as well as a number of observers including representatives from Fiji, Timor Leste, UK National Crime Agency, EUROPOL, International Association of Chiefs of Police (IACP), International Committee Regional of the Red Cross (ICRC) and the ASEAN Wildlife Enforcement Network (WEN). The stated objectives of ASEANAPOL include the enhancement of police professionalism and stronger regional cooperation among police via enhanced communication and coordination and facilitation of mutual assistance aimed at combatting transnational criminal activity. These objectives are closely aligned with those of the AFP.

The AFP also makes a significant contribution to the South East Asia Bomb Data Working Group (SEABDWG) which was established in 2005. It has five regional members from South East Asian Bomb Data Centres in Indonesia, Malaysia, Philippines, Singapore and Thailand. The information and intelligence exchange in relation to methodologies of returning foreign fighters from Syria and Iraq to South East Asia, is a vital link in defeating this threat, which exists both in South East Asia and in Australia.

The South West Pacific

Pacific Islands Chiefs of Police (PICP)

The Pacific Islands Chiefs of Police (PICP) represents 21 Pacific island nations³⁷⁷, with a combined police constituency in excess of 75,000 serving police officers. Among other things, the PICP strives to improve policing in the South West Pacific, by providing a common approach based on shared ideas and information exchanges on crime and the police responses to it. This includes the coordination of training and development, which is aligned very closely with the Pacific Police Development Program. The stated aims of the PICP are: (1) to develop current and future police leaders; (2) to uphold high standards of integrity in policing; (3) to create influence and add value to crime prevention strategies; and (4) to strengthen cross-jurisdictional relationships and regional cooperation to fight crime and respond to emergencies.

Pacific Trans National Crime Network (PTCN)

Since its inception in 2002, the PTCN has been working collaboratively to address transnational crime in the South West Pacific region, by providing a mechanism for proactive criminal intelligence exchange, and the enhancement of investigative capabilities in regional police agencies. The Pacific Trans National Crime Coordination Centre (PTCCC) is based in Apia, Samoa and links 18 Transnational Crime Units (TCUs), in 13 Pacific Island nations and supports their operational activities. The PTCN makes a positive contribution to the identification of current and emerging criminal trends and risks in the region via the annual PTCN Transnational Crime Assessment and the annual Illicit Drug Seizures assessment which deals specifically with trends related to illicit drug trafficking in the Pacific Region. It should be noted that the Pacific Islands have long been used as transit points for the transport of illicit drugs across the Pacific from the Americas. Recent trends, however, indicate that organised crime groups such as Outlaw Motorcycle Gangs are recruiting from among the local unemployed youth in some Pacific Island states for membership, with links to the Pacific Island diaspora communities in Australia.

The PTCN engages with a number of non-police Pacific-based stakeholder organisations, including a number of Financial Intelligence Units, the Pacific Islands Forum Regional Security Committee; the Oceania Customs Organisation; the Pacific Immigration Directors Conference; the Pacific Islands Forum Fisheries Agency; the Australian-led Pacific Patrol Boat Program and

³⁷⁷ The members of the PICP are American Samoa, Australia, Commonwealth of the Northern Mariana Islands, Cook Islands, New Caledonia, French Polynesia, Fiji, Guam, Federated States of Micronesia, Kiribati, Republic of the Marshall Islands, Nauru, New Zealand, Niue, Palau, Papua New Guinea, Samoa, Solomon Islands, Tonga, Tuvalu, Vanuatu. The PICP has a number of specialist groups including: (1) the Forensic Working Group; (2) the Training Advisory Group; (3) Cyber Safety Pasifika; (4) the Prevention of Domestic Violence; (5) the Women's Advisory Network; (6) the Pacific Transnational Crime Network (PTCN).

crucially is linked with the United States-led Joint Inter Agency Task Force-West (JIATF-W), based in Honolulu Hawaii.

Thus it can be seen that on a regional basis, the AFP is interlinked with the ten regional police agencies in the South East Asian region via its affiliation with ASEANAPOL, and with 21 police agencies in the South West Pacific, via its membership of the PICP and its operational arm, the PTCN. The AFP international liaison officer network has long-standing relationships in the region, dating from the 1970s when the heroin trade from the Golden Triangle in Laos, Thailand and Myanmar was the major criminal threat to Australia in the immediate post-Vietnam War era. These threats have now developed into a multitude of crimes, including fraud, financial, cyber-crime, people smuggling and terrorism, as well as narcotics, including heroin and increasingly methamphetamines (ice), which is being exported in large quantities from southern China and Myanmar.

In a similar way in which the police to police relationship between the AFP and the Indonesian National Police developed independently of the occasionally tumultuous political relationship, the relationship with the Chinese authorities, combined with the relationship with the United States directly, provides an effective Australian police back-channel for communications between nations whose relationship may not always be as cordial as is ideal.

Global

The third and final environment in addition to the domestic and the regional, in which the AFP engages is the global, where relationships exist on a bi-lateral basis via the AFP liaison officer network in Europe, the Middle East and the America, and also with international police for a such as EUROPOL and INTERPOL.

The AFP maintains relationships with both EUROPOL and INTERPOL by posting members of the international liaison officer network into those organisations in Lyon and The Hague respectively.

EUROPOL

EUROPOL is the agency for inter-government law enforcement cooperation within the European Union (EU), with the stated objective of preventing and addressing serious international organised crime, including cyber-crime and terrorism, within the EU.³⁷⁸

³⁷⁸ The membership of EUROPOL is: Ireland, Britain, France, Sweden, Denmark, Italy, Spain, Greece, Austria, Germany, Finland, Poland, Lithuania, Latvia, Estonia, Bulgaria, Romania, Hungary, Portugal, Netherlands, Belgium, Malta, Cyprus, Luxemburg, Czech Republic, Slovenia, Slovak Republic, who exchange information and intelligence via the Secure Information Exchange Network Application (SIENA). <https://www.europol.europa.eu/about-europol/our-thinking>.

EUROJUST: EUROPOL has a very close connection with a pan-European judicial operation entity known as EUROJUST. Judicial cooperation in the EU was under consideration in 1999 and an embryonic provisional justice unit was established in December 2000. Following the attacks in the United States in September 2001, the focus on combatting terrorism moved from domestic or regional to global, and as a result EUROJUST was formed in 2002. It is composed of national prosecutors, magistrates, or police officers detached from each Member State, and aims to increase the exchange of information between the member states, facilitate and strengthen cooperation between national authorities, and enhance relationships with partners and third states, such as non-EU members, including Norway and the United States.

INTERPOL

The AFP is the National Central Bureau and the Australian interlocutor with INTERPOL. The official name of INTERPOL is the International Criminal Police Organisation-ICPO. The stated aim of INTERPOL is to enable police around the world to work together to make the world a safer place. As stated by INTERPOL Secretary General Jürgen Stock in March 2017:

*By collaborating and exchanging information with the wider police community through INTERPOL, we must recognize that we do not only protect our own country but also that of our neighbour. And in today's ultra-connected world, this neighbour is more likely to be thousands of miles away.*³⁷⁹

Project Watchmaker: Among the many contemporary criminal activities pursued by INTERPOL, is a project related to the manufacture of Improvised Explosive Devices (IEDs) which are being increasingly encountered in conflict zones around the world. This is known as Project Watchmaker. It is a collaborative effort between the Australian Department of Foreign Affairs and Trade Australia and Global Affairs Canada. Project Watchmaker provides operational and specialised support to member countries through the sharing of INTERPOL Notices and warning messages on individuals manufacturing or using chemical improvised explosive devices (IEDs). These notices serve as a platform from which technical information on chemical IEDs may be shared, updated and modified by member countries.

This project maintains a database on the 'forensic signatures' of known and wanted persons involved with the manufacture or use of IEDs with a view to alerting police and border control agencies globally on the movement of bomb-makers and their associates to enable appropriate action to be taken at border control points under the INTERPOL notice system. The INTERPOL Integrated Border Management Task Force (IBMTF) is the central point of contact and coordination for international border-security activities at INTERPOL.

³⁷⁹ INTERPOL National Central Bureaus essential in enhancing global security Secretary General Jürgen Stock 08 March 2017. <https://www.interpol.int/>

This is of particular significance in the fight against global Islamic jihadism, particularly in South East Asia, where returning foreign fighters from Syria and Iraq pose a serious security problem for the governments of ASEAN, particularly Singapore, Indonesia, Malaysia and the Philippines, which all have significant Muslim populations.

Noteworthy is that between 2011 and 2015 the AFP responded to over 207,547 requests for information from INTERPOL and EUROPOL through AFP Operations Coordination Centre (AOCC) at AFP National Headquarters in Canberra. The AFP is also a member of the -Strategic Alliance Group (SAG), whose membership consists of the Five-Eyes nations: Australia, Britain, Canada, New Zealand and the United States (represented by the FBI and the DEA).³⁸⁰

Section 4: The AFP in the third millennium

The role the AFP has played, and continues to play, in international policing and diplomacy, in the past, the present, and its potential roles in the future, has been the focus of this thesis. The research findings indicate that, in cadence with globalised crime trends, effective international policing has never been more important in linking the international with the domestic. The way the AFP operates in a landscape where traditional policing paradigms are rapidly changing, due to ever-changing political, diplomatic, and transnational issues, has been discussed. The way the organisation has evolved from its origins, based on western liberal-democratic policing values, approaches and skills, to an organisation involved in international policing and diplomacy at the highest levels is outlined in detail.

³⁸⁰ <https://www.afp.gov.au/what-we-do/our-work-overseas/afp-across-world>

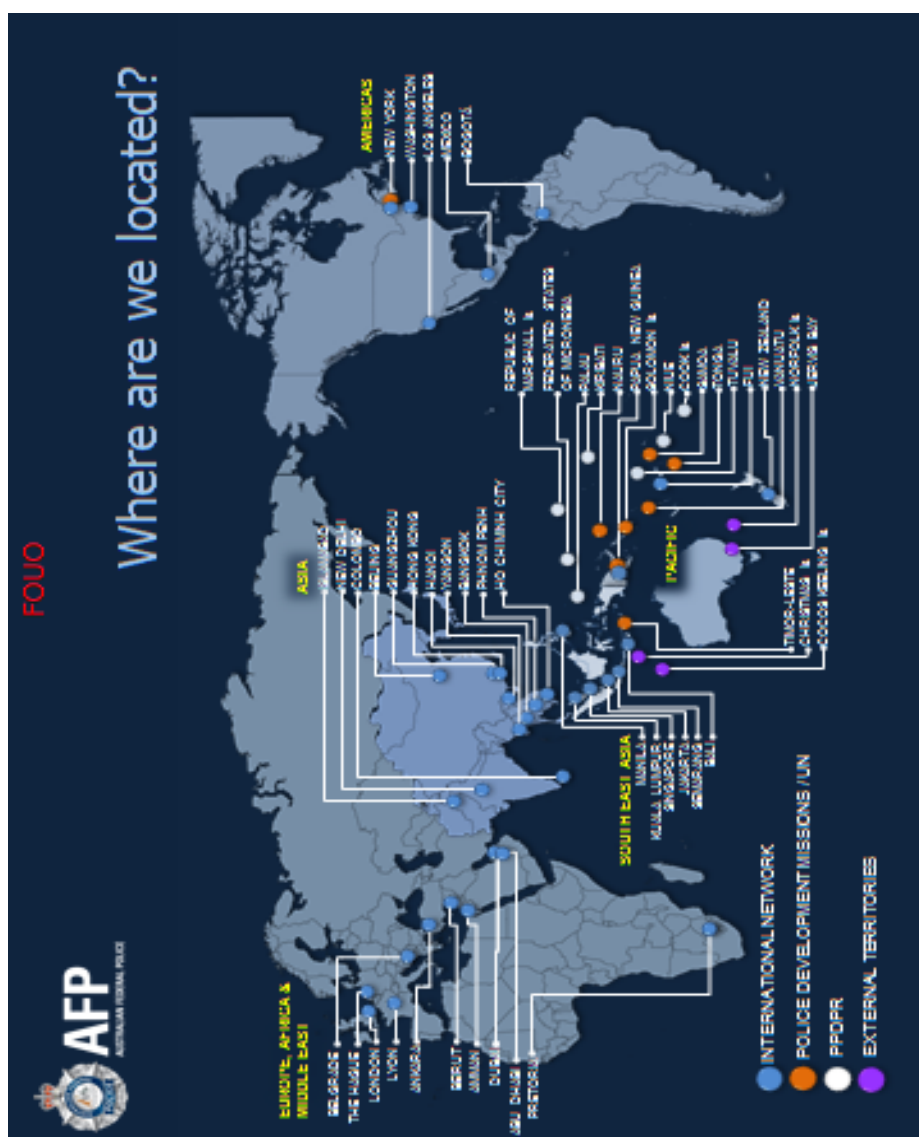


Figure 12. AFP International operations locations

Source: AFP (correct as at April 2018)

Future trends

In a straitened fiscal environment, no organisation can afford to rest on its laurels. Like its predecessor the Commonwealth Police, the AFP has had several iterations, as it has re-prioritised in accordance with emerging criminal trends, and extant political circumstances. Despite a highly credible history of international engagement in peacekeeping and police capacity development, these are not current priorities for the AFP or the Australian Government. There has been a discernible move away from UN deployments, with the closure of the UNMIT mission in Timor Leste in 2012, the withdrawal from the UNMISS mission in South Sudan in 2011 and the UNIFICYP mission in Cyprus in 2017. The RAMSI mission in the Solomon Islands closed in 2017, leaving 45 members in a follow on mission. There are still capacity-development missions in the Pacific, in Tonga, Samoa and Vanuatu, as well as the PPDP-R in Micronesia. There is still a significant mission in Papua New Guinea with the approach of the *Asia Pacific Economic Cooperation* (APEC) meeting scheduled in 2018.

Funding

Part of this drawdown from international '*boots on the ground*' peacekeeping and capacity development missions has been financial. In situations where the AFP is committed to respond to new deployments offshore, New Policy Proposals (NPP) are generally the means by which the AFP seeks funding. If this funding is not forthcoming due to fiscal restraint, the AFP is expected to fund these activities from within budgets allocated for its domestic operations. Competing priorities therefore will continue to be a challenge for police decision makers, and will impact on how such interventions are structured and resourced. A more predictable and sustainable funding model would improve this situation. Many of these missions have been funded by Official Development Assistance (ODA), which has some very strict guidelines attached to it in accordance with foreign aid principles. There needs to be an acknowledgement that there will be some operational outcomes from these police activities, and this needs to be factored into funding considerations. If there is an expectation for the AFP to provide members for deployments of this kind, greater certainty of such deployments and longer funding timeframes are required. This can only come from political bipartisanship and would enable more effective planning and resource allocation. On present trends, the skills, experience and relationships developed by the AFP over a considerable period are withering on the vine. The diplomatic capital developed by the AFP, past, present and potentially future, are at real risk of being lost, due to atrophy and political apathy.

Regional focus

The Indo-Asia-Pacific region will continue to be a priority for the Australian Government, and for the AFP in its international engagement. There are increasing criminal threats in both Asia

and the Pacific as both as transit areas, and as areas in which crime originates. State fragility in the Pacific will continue to be a challenge for regional stability, and the AFP will maintain its commitment to the region, particularly through the good offices of the PICP, PTCN and PPDP-R. The relationships with all the police forces in ASEAN, both bi-laterally and through ASEANAPOL, are vital for the AFP to carry out its duties. There are also highly productive relationships with both Chinese and American law enforcement agencies, which endure despite the political sabre rattling and trade competition which features in daily news reports.

The AFP International Engagement Strategy: 2020 and beyond

In July 2017 the AFP released its *AFP International Engagement Strategy: 2020 and Beyond*³⁸¹ which highlights the growth in criminal and terrorist threats, globalised markets and services, as well as technology, and the combined challenges they pose for police tasked with community safety and security, as the overriding driving influences behind policy for the foreseeable future. The solution rests in part, with greater cooperation and collaboration, which as discussed, has been very much integral to the way it has done business in all aspects of its duties.

Ideologically based crime

The combination of globalised demographic and technological influences has been joined by another influence which has proven quite challenging for traditional law enforcement approaches. That influence is ideology. The flows of people, including through people smuggling, and of goods, ideas and information are increasing. As the AFP International Engagement strategy highlights:

*[t]errorism has a global reach through the use of the internet and social media to recruit, radicalise and train people in attack methodologies and in some cases execute attacks. Increasing global reliance on the internet for commerce and communication exposes countries and organisations to cyber-attack.*³⁸²

The cost of crime

In an environment in which poly-criminal networks engage in borderless crime, blurring the lines between traditional and non-traditional crime as well as the lines between crime and national security threats, new approaches are required. The AFP estimates that up to 70 per cent of Australia's serious crime has links overseas. The global cost of crime is estimated at \$3 trillion. Fraud is estimated at in excess of \$6 billion per year. The cost of cyber-crime is estimated at more than \$2 billion per year. There has been in excess of a 60 per cent increase in people crossing Australia's international border in recent years. Terrorism incidents globally have increased by

³⁸¹ *AFP International Engagement Strategy: 2020 and Beyond* Commonwealth of Australia AFP 2017.

³⁸² *AFP International Engagement Strategy 2020 and Beyond* p. 6.

120 percent since 2010, and there has been an exponential increase in trade, aircraft movements, and shipping tonnages worldwide, including in Australia.³⁸³ The implications for police and policing are starkly clear.

The purpose of the AFP's international engagement is to tackle crime offshore as close as possible to its source. The intention is to protect *Australians and Australia's national interests by working in partnership with state, territory, and foreign law enforcement agencies to detect, deter, prevent and disrupt crime at its point of origin or transit.*³⁸⁴

Crime sans frontières

The reason is that these crimes are taking place, with little regard for sovereign jurisdictions, and the legal and geographic restrictions which hamper the manner in which government agencies including the AFP, are able to address them. One simple example should serve to illustrate the significance of this. The ability of a malign group of actors to create a mass casualty event is quite easy to achieve. The only things required are a plan, a device such as a simple homemade explosive device, or a device containing poison chemicals, or a biological agent, someone to plant it amongst a group of people and a means of initiation, such as a mobile phone. It is now possible for someone anywhere in the world, including in a poorly governed country, to conspire with a likeminded radicalised individual in any western city, to make and plant a device anywhere, including airports, shopping centres, sporting venues or public transport and simply make a phone call to cause a mass casualty event. The prospect of such an individual being brought to justice is minimal, without a policing agency with capacity and a global reach. Hence the importance of peer to peer police relationships. The trend with the AFP is moving towards *greater interoperability for information sharing, increasing joint operations, offshore taskforces, regional approaches and capability leverage.*³⁸⁵

Legal and ethical considerations

There are, however, some legal and ethical concerns arising from Australia's principled stance on humanitarian issues such as the death penalty and human rights abuses. The AFP continues to engage with these partners *cognisant of potential death penalty and human rights implications, while balancing the need for effective cooperation on transnational crime and the commitment to protect individuals from the death penalty. The AFP also claims to positively influence these agencies in areas such as human rights and victim advocacy.*³⁸⁶

³⁸³ AFP International Engagement Strategy 2020 and Beyond pp. 6–7.

³⁸⁴ AFP International Engagement Strategy 2020 and Beyond, p. 10.

³⁸⁵ AFP International Engagement Strategy 2020 and Beyond p. 7.

³⁸⁶ AFP International Engagement Strategy 2020 and Beyond, p. 18.

Lessons have been learned from the Indonesian execution of some of the convicted narcotics traffickers, known colloquially as the '*Bali Nine*', whose conviction in part rested upon information exchanged between the AFP and the Indonesian police in Bali. Death penalty considerations are included in planning and communications and mitigation strategies are factored into international dealings and operations.

Home Affairs Department

Despite its withdrawal from UN missions and its drawdown from regional capacity development activities, the AFP has not withdrawn from international engagements or responsibilities, but it has changed its priorities in accordance with prevailing and anticipated circumstances, including the changing political landscape and ever increasing funding pressures.

In July 2017 the Australian Government led by Prime Minister Turnbull announced the proposed formation of a Home Affairs Department, combining the AFP, the Australian Security Intelligence Organisation (ASIO), and the Department of Immigration and Border Protection, itself an amalgamation of the Australian Customs Service and the Department of Immigration. This is the type of '*joined-up-government*' envisaged by Dr Ryan of the APMC. However, it comes with certain risks as policing and enforcement, of necessity, becomes more forceful and intrusive. There will always be a balance between the protection of individual rights and freedoms, and community expectations of safety and security. Where the balancing point resides is moveable, and ultimately is up to the community to decide. What remains unchangeable, from a policing perspective, are the common law principles, the Peelian approach of preventative policing, and the AFP values. In fact, it could be argued that adherence to these principles, values, and approaches by the AFP within this new departmental structure, will tend to preserve and protect individual freedoms rather than abuse them. The year 2029 marks the 200th anniversary of the Peelian policing tradition and the 50th anniversary of the AFP. Although there are some pressures on the common law principles, the Peelian approach to preventative policing and the AFP values, there is every reason to believe that adherence to these values, principles and approaches will continue. Based on its highly credible history of service to the community, both domestically and internationally, the balance of probabilities tends to lean this way. In order to do so, however, the AFP requires the rules and the tools to surgically target criminal malevolence whilst contemporaneously maintaining its preventative and responsive posture for the law-abiding community. It also requires a better funding model, because the present model is unsustainable.

United Nations: Boutique rather than boots

As has been discussed, there is an increasing demand for policing input into global affairs, including those of the UN, though the AFP is unlikely to deploy large numbers of police to

international ‘boots on the ground’ missions including those with the UN. There is, however, a very likely prospect of the AFP providing members for niche capability roles, including training, advisory, forensics and leadership roles within the UN environment. This builds upon existing capabilities and continues the international engagement in the service of peace. It is submitted that this is diplomacy by default.

Global humanitarian aspirations and practices

The thesis demonstrates how the AFP values, principles and approaches evolved in a uniquely Australian context through its colonial era until the present day. The AFP continues to aspire to reflect global best practice, and adhere to humanitarian values, principles and approaches, in its engagements and interactions with partner agencies, domestically, regionally and globally, in an increasingly globalised criminal environment. It has also been demonstrated, how the values, principles and approaches, which are its foundation, are facing increasing challenges and the way they are applied must constantly adjust, in light of community expectations within emergent globalised terrorist, cyber, and criminal challenges. Such a focus will need to balance community expectations about the provision of public safety and security, while adhering to entrenched rights to individual privacy and freedom of action.

Effective diplomacy

The thesis has also demonstrated that while diplomacy has traditionally been restricted to inter-government dealings, global dynamics are changing and so too should the notion of what diplomacy is intended to achieve. Rather than being strictly concerned with formal relations between states, international relations now increasingly involve community to community, and organisation to organisation interactions across national boundaries. The world is becoming increasingly inter-linked as a result of a combination of unprecedented developments in technology and people movements. In addition, rapidly growing populations and poor governance combined with rapid technological advances are creating unprecedented threats to peace order and good governance on global, regional and domestic levels. Many of these threats are criminal in nature. The once distinct line between criminal behaviour and traditional, state-based military threats, is becoming increasingly blurred, with malign non-state actors, such as criminal groups posing as much threat to safety, security and social cohesion. This requires a re-thinking of resourcing and policy priorities. The intention of this thesis is to advance this through a credible international policing perspective.

International relations

Effective police to police relations work to the betterment of the respective communities they serve, by being well positioned to identify and mitigate criminal threats, before they can make an

impact. This is as applicable and relevant at the international level as it is at the local or community level. Unlike their traditional counterparts in the diplomatic or military spheres, police do not seek leverage or advantage over other police. On the contrary, police work much more effectively and efficiently when they cooperate rather than compete with each other. This is the essence of police diplomacy.

International relations still involve dealings between sovereign governments, each of which must balance their own considerations at the global, regional and domestic levels. Police, working collaboratively at the international level addressing phenomenon such as transnational crime and violent extremism, have the potential to combine all three. This has been the case with the AFP since its establishment in 1979.

Summary and conclusion

This thesis has discussed the position of the AFP within the machinery of government, and its wide dispersal internationally, via its extensive international liaison officer network. Much of this has arisen from the confidence of previous governments, based on a highly credible history of international engagement in several varied deployments, crisis responses, and effective international liaison activities. The significance of this in the globalised criminal environment, in serving both the Australian national interest and international good citizenship, is that it provides part of a values-based infrastructure which makes the '*thin blue line*' becoming a '*wide blue net*', more of a reality. The way in which the AFP is structured and postured and the way in which it conducts itself may provide an example by which international policing can be conducted. In part, this addresses Slaughter's globalisation paradox.

Is this diplomacy by default?

The objective of diplomacy is aimed broadly at peace and prosperity, within an international rules-based global order. The AFP has been involved in the promotion of international peace in many ways. This includes a credible history of traditional UN peacekeeping in Cyprus, assistance with electoral missions in Mozambique, Cambodia and East Timor, capacity development missions in Australia's 'Arc of Instability', and immediate responses to unexpected mass-casualty events involving Australians, regionally and further afield. The salient feature of all of these endeavours, is that they are not the AFP's core business, which is actually domestic crime. Despite this, in accordance with Australia's long and proud history of volunteerism, AFP members have continued to put themselves forward for international service. The AFP has only deployed in an armed capacity performing executive policing roles on three occasions, and transitioned to an unarmed posture as soon as the situation was sufficiently permissive. Over a period in excess of fifty years, in some very challenging and hostile environments, the AFP has not fired one shot in

anger. There have been four fatalities over this period: three in Cyprus and one in the Solomon Islands.

The AFP has also maintained an extensive international liaison officer network which is linked into host nation police, in furtherance of the early detection, disruption and prevention of criminal activity offshore before it can have an impact on its victims both offshore, and in Australia. The ultimate objective is to link up with trusted global partners to the betterment of all communities concerned, by addressing common criminal challenges. This emphasises shared values, focusing on the things police have in common across national boundaries, rather than focussing on areas in which they differ. In a unique sense, police do not seek to compete with their international peers, but strive to perform better through cooperation and collaboration. There are, of course, dangers in such cooperation and collaboration, if left without oversight, so none of this should occur without a legislative basis subject to judicial review.

The blurring of the lines between what have been considered as traditional crime and security threats has been discussed, as has the response options available to western governments such as Australia's. This now involves closer cooperation between 'soft', 'firm' and 'hard' elements of state diplomacy. The role of the AFP in this context, is to utilise its extensive links internationally and domestically, to serve the safety and security interests of the Australian community, as a primary responsibility, and those of other citizens as a secondary role.

Australia's primary sphere of strategic interest involves South East Asia and the South West Pacific. Security and stability in both of these regions is vital to Australia's own peace and prosperity. The AFP has made, and continues to make, a significant contribution to the global rules-based order, by fostering police to police peer relationships with their international contemporaries. Collectively, the international activities of the AFP serve to enhance the rule of law, and promote socio-economic development, and stability throughout the region, which in turn reduces potential criminal and security threats to Australia. In turn, this assists in re-enforcing the global rules-based order, by addressing serious crime, which is one of the underlying causes of conflict, in partnership with its international policing peers.

In relation to Dr Ryan's call for inter-agency interconnectedness, it can be positively argued that the international activities of the AFP, combined with its positioning within whole-of-government circles domestically, is a demonstration of such par excellence. Furthermore these activities provide a clear demonstration of effective diplomacy by the AFP serving both Australia's national interests by addressing crime at its source, but also international good citizenship, by contributing to both a rules-based global order and to regional peace and prosperity. The strategic implications of these activities, in terms of conflict prevention, are impossible to quantify, but by any estimation the combined effect of good global policing as a form of preventative defence must be significant.

The AFP has made a significant contribution to stabilising what was once referred to as Australia's 'Arc of Instability'. This involved the AFP adopting culturally-appropriate approaches and strategies, which in the case of RAMSI involved a 'Pacific face' with Australian training in accordance with liberal-democratic values, principles and approaches to community-based policing. Police and policing, however, are only one part of the mosaic which is effective governance.

The AFP was deployed to Papua New Guinea, to address some of the poor governance outcomes which had arisen from the haste with which it was granted independence in 1975. This has encountered some obstacles which are difficult to overcome, including some of the political, legal and cultural influences over which the AFP has no control. Regional political dynamics have played a significant role in limiting some of the potential influence of AFP programs. This has resulted in a perception by some observers of being ineffective. In Afghanistan the AFP became embroiled in a change in strategy from a military-centric counter-terrorism approach to a population-centric counter-insurgency approach. The AFP was not well suited to either and its activities were largely related to political optics rather than operational effect, however when the politics and the politicians move on, the optics and impressions remain.

The confidence of government

This thesis has discussed the position of the AFP within the machinery of government, and its wide dispersal internationally, via its extensive international liaison officer network. Much of this has arisen from the confidence of previous governments, based on a highly credible history of international engagement in deployments, crisis response, and effective international liaison activities. The confidence of government is extremely important. The significance of this, in the globalised criminal environment, in serving both the Australian national interest and international good citizenship, is that it provides part of a values-based infrastructure which makes the 'thin blue line' becoming a 'wide blue net' to the benefit of all, more achievable. The way in which the AFP is structured and postured, and the way in which it conducts itself may provide an example by which broader international policing could be conducted, in accordance with Slaughter's New World Order. This has involved fielding deployed police peacekeepers, advisers and trainers as well as general investigators and specialists. However, as the *AFP International Engagement Strategy 2020 and Beyond* outlines, large AFP deployments are unlikely in the foreseeable future, as straightened fiscal circumstances take their toll.

The thesis concludes that the structure and values-based approach of the AFP provides a useful template for enhanced global policing efforts in the face of emerging global challenges. The research affirms the AFP is a transnational agency, well placed to link the international with the domestic, the contextual with the aspirational, and the theoretical with the practical. At the dawn of the third millennium the sort of connectivity and response capacity has never been so important.

As the AFP sets its course for the next fifty years, it should do so in accordance with Meyer's mutually-shared police and diplomatic traits of '*a quick mind, a hard head, a strong stomach, a warm smile and a cold eye.*' In 2012, Bowling and Sheptycki indicated that '*...policing organisations require members who can play the diplomat role because not everything can be orchestrated by issuing commands. Often they will be required to provide 'leadership beyond authority.'*' This applies to the institutional level as well as at the individual level. This thesis has demonstrated that the AFP has been able to provide this sort of leadership beyond authority in a wide variety of environment and circumstances, due in large part to the calibre of its individual members and the contexts in which they operate.

Final statement

Bowling and Sheptycki highlighted the absence of scholarly attention paid to police as diplomatic actors. This thesis seeks to consider this from an Australian policing perspective by addressing a broad audience, both Australian and international; police, military, civilian; strategic, academic and operational; political and community level. The primary objective is to inform and introduce a new perspective on diplomacy. This interpretation is that the two traditional instruments of international state projection, the foreign service and the military, can be supplemented by a third international actor: the police. Australia has a national police agency, the AFP which has developed a highly credible experience-base, upon which future international police engagement can draw some guidance. Military planners and civilian policy makers in particular, would benefit from a greater understanding of the specific nature of policing in the Peelian tradition, and need to be made aware of the significant potential of international police capabilities in offshore missions and operations. This knowledge cannot be assumed, particularly in defence and foreign policy circles, as well as at the political level. In an era of globalisation, and strategic ambiguity, Australia needs to acknowledge the value of '*firm*' diplomacy as provided by the AFP, and to continue to invest in developing capability for a significant offshore police presence. To be effective in sustainably resolving contemporary and future international security dilemmas, Australia can only succeed as a team which draws on the strength of the combined efforts, skills and experience of the police, the military and the foreign service. If service in the pursuit of peace order and good governance on a domestic, regional and global scale is a worthy objective of foreign policy, the AFP, as discussed in this thesis, has made a significant contribution in its brief but compact history. This is *police* diplomacy.

This thesis has discussed the notion of the social contract in an Australian sense, with its roots deep in Australia's history. In all of its endeavours, the AFP, and its individual members, have acted in accordance with Blainey's '*pale empire of ideas*' concerning freedom, rights, responsibilities and the rule of law. These arrived with the First Fleet in 1788, and were refined over two centuries of European settlement. These include the common law and associated rights,

the Peelian tradition of preventative, community-based policing tradition, and the AFP's own values. The thesis has outlined how the strategic global environment has changed, from one in which state-centric, inter-state conflict has been largely replaced by people-centric, intra-state conflict. This has several implications for police, including detecting, deterring and preventing the activities of malign non-state actors, often operating in ungoverned, or poorly governed spaces.

The thesis has discussed the international role the AFP has played over a period in excess of fifty years, through the lens of 'diplomacy', in the context of diplomatic qualities, behaviours and activities. It has incorporated eight separate and distinct missions, operations and responses, from a traditional peacekeeping mission in Cyprus, commencing in 1964, to an immediate response to a mass-casualty event in eastern Ukraine in 2014. This has included missions to East Timor in 1999, which set the course for the eventual independence of Timor Leste in 2002, as well as the resultant inclusion of Australia and Australians as 'crusaders' in the eyes of global extremists such as bin Laden and al Qaeda, with the tragic loss of life in Bali in 2002, caused by bombs, set by bombers inspired by al Qaeda's catastrophic ideology. The latter event in itself, served to repair and restore an enduring relationship with Indonesia, through effective police peer-to-peer relationships, which resulted in deeper AFP engagement in the South East Asian region through ASEANAPOL, as well as a number of bi-lateral Joint Task Forces. This period has also seen an Australian-led regional intervention in the Solomon Islands, led by a succession of diplomats, working with police, rather than military, as the security sector leader, to restore security and eventual state sovereignty to a regional neighbour. There have been circumstances where the perceived success of such police endeavours, has led to the deployment of AFP members to environments, such as Afghanistan, where, due to factors out of the control of the AFP, expectations could not be met, and where the AFP, and its former International Deployment Group, suffered a degree of reputational harm.

In all of its international endeavours, AFP members have demonstrated to various degrees, the three enduring elements of diplomacy, communication, representation and replication of international societal norm, as outlined by Jonsson and Hall. They have communicated and negotiated effectively in some very challenging circumstances; they are representatives of the Australian Government, a fact demonstrated by the wearing of the Australian National Flag on their uniforms when deployed with the United Nations, specific badges such as the '*Helpem Fren*' or '*Wok Wantaim*' shoulder patches when working in RAMSI and PNG, respectively, or, the AFP badge when working operationally. All are highly symbolic, and serve to illustrate the history, governance, versatility, willingness and goodwill which underpin Australian policing. They thus represent and visibly communicate the ideas, concepts or notions of the rule of law, justice, authority and accountability, associated with first order policing. In many of the circumstances and environments the AFP has deployed, the social contract has been seriously breached or has broken down completely. The AFP, as part of broader efforts, with supra-national institutions

such as the UN and INTERPOL, have not so much sought a replication of international society, as mentioned by Jonsson and Hall, but have provided a supplement to traditional diplomacy, often by assisting the people in host nations to develop their own notion of culturally-appropriate and sustainable social contracts between themselves and their governments. It is not so much homogeneity which is sought by such endeavours, as a balance between it, and the heterogeneity which is inevitably associated with cultures transitioning from custom and tradition to 21st century expectations of nationhood, and which are sometimes resistant to international influences of globalisation or 'westernisation'.

In relation to Copeland's qualities of his '*guerrilla diplomats*', namely:

*autonomy, agility, acuity, and resilience; the ability to generate and use intelligence; personal and situational sensitivity; local knowledge, cultural awareness and linguistic and communication skills; irregular representational capabilities and characteristics; an affinity for collaboration and teamwork; functionality in conflict situations; connectedness to the global political economy of knowledge; the capacity, enhanced by science & technology act with suppleness and a catalytic and transformational orientation.*³⁸⁷

This thesis has outlined eight environments in which the AFP and its members, have been called upon each and every one of these qualities. The same could be said in relation to the diplomatic traits as outlined by Meyer, namely '*a quick mind, a hard head, a strong stomach, a warm smile and a cold eye*'.

Under the behavioural criteria set down by Jonsson and Hall, and the diplomatic attributes mentioned by Copeland and Meyer, it is submitted that the AFP as an organisation, and its individual members, have demonstrated their diplomatic credentials over a sustained period, and in a range of circumstances, and that in doing so, they have addressed, in part at least, the globalisation paradox as raised by Slaughter. The AFP, in the eight contextual case studies provided in this thesis, has not only fulfilled all of the criteria to be considered as 'diplomats by default', they have demonstrated that the policing aspect of global governance is not something to be feared, rather is something in need of greater appreciation, enhanced support and better utilisation in accordance with Slaughter's '*new diplomats*', by expanding the '*thin blue line*' into a wider '*blue network*'. In this thesis, the discussion has illuminated a number of ways in which the diplomatic aspect of policing, as raised by Bowling and Sheptycki, can be considered alongside the technical, legal, entrepreneurial and public relations aspects of policing. All of these AFP efforts combined, have served, and will continue to serve the interest of peace, prosperity and justice at the domestic, regional and global levels. These activities in themselves are worthy of the title diplomacy and those who conduct them as 'diplomats by default'.

³⁸⁷ Copeland, p. 209.

Post-script: Policing in the service of peace

Often overshadowed by larger and more visible peacekeeping and warlike efforts performed by their military colleagues, Australian police have a long and credible history of international intervention, regionally and more broadly. This has gone largely unrecognised. In a domestic sense, Australian police, with a well-established adherence to humanitarian principles, are the barometers of the liberal-democratic social contract between the community and their government. They are among the first to implement policy as it becomes law, and the first to feel the public disapproval, should this prove unpopular. They are tasked with making difficult decisions and sound judgements, which affect people's lives, often with incomplete information, and in contested circumstances. They are trained to show restraint and courtesy; to obtain and transmit information; to make quick assessments, and above all, to be personally accountable for their own actions. Individually and collectively, Australian police and policing, reflect all the hallmarks of diplomats and diplomacy.

In an international environment, Australian policing, acting in the service of peace, aims to create secure and stable environments, by strengthening the rule of law, and confidence in the institutions of justice and governance, globally and regionally. It is only when these basic foundations are in place, that social and economic recovery and development can occur, and sustainable peace and prosperity can be encouraged, thereby supporting the global rules-based order.

To do this, Australian police peace-builders and peacekeepers, have deployed, and will continue to be deployed, to difficult and dangerous environments, where they engage and cooperate with representatives from other nations and regions, and with the host nation community, and police. They may be required to protect innocent civilians from danger, provide humanitarian assistance, and establish and enforce fundamental human rights and freedoms, as the host nation society emerges from conflict, and begins to rebuild its physical infrastructure, and its own social contract. They are for the most part unarmed, and their primary tools are reason, persuasion and negotiation, in short, they favour prestige over power to achieve their objectives.

For more than half a century, Australian police have deployed to diverse environments, working collaboratively in the service of peace. The operational names, in Pidgin, of the two major missions in Melanesia, '*Helpem Fren*', in the Solomon Islands and '*Wok Wantaim*' in Papua New Guinea, sum these efforts up. Australian police, work together with their international counterparts, to help friends. In challenging circumstances, Australian police peacekeepers and capacity-builders, have demonstrated the professionalism of police impartiality, objectivity, the values of openness, commitment, fairness, compassion and respect, and on occasion have shown initiative, valour and courage beyond leadership, and service beyond self. Their service and

sacrifice has given Australian foreign policy efforts an added, and distinctively Australian, legitimacy and experience-based credibility.

If the purpose of diplomacy is the peaceful resolution of disputes, and if peace is not merely the absence of conflict, but the presence of justice, then policing in furtherance of this, is diplomacy writ large, and those who perform these duties, are '*diplomats by default*'.

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- of East Timor and upon the Government of Indonesia to withdraw all of its forces from the Territory. [S/RES/389/ (1976)]
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- UN Security Council Resolution 1264 (1999) Established the multinational International Force for East Timor (INTERFET) to restore peace and security in the territory. [S/RES/1264/ (1999)]
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Appendices

Appendix A: Diplomatic representation: Visible symbols

Visible symbols worn by AFP members when deployed internationally, reflecting the values they represent, including authority, accountability, as well as humanitarian ideas and ideals, under the rule of law, and a global rules-based order.

Australian National Flag



The Australian National Flag, is a direct descendant of the British Red Ensign. It can be seen as consisting of two parts. This left half contains the British Union Flag in the canton, which itself is an overlaid combination of the three crosses of the three Patron Saints of the British Isles, St George, representing England, St Andrew representing Scotland and St Patrick, representing Ireland. Below the Union Flag is the Federation or Commonwealth Star, consisting of seven points, one for each of the original colonies at Federation and one for the other governments, including the Federal or Commonwealth Government. This represents unity and federation. The right half depicts the Southern Cross, a constellation visible in the southern skies, representing the geographic location of Australia in the Southern Hemisphere.

United Nations



The symbol of the United Nations is a stylised, flattened, globe as seen from the North Pole, surrounded by a wreath of olive leaves, symbolising peace. It depicts all continents and oceans. Australia is depicted in the top right quadrant.

Australian Federal Police



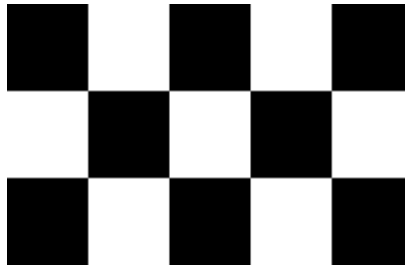
The Australian Federal Police badge consists of a number of components which reflect its history, role and authority. It consists of an Australian Coat of Arms, itself a depiction of the symbols of the original six colonies. This is surrounded by the words Australian Federal Police, overlaid on a Federation or Commonwealth Star, on a laurel wreath representing both peace and victory. It is surmounted by a St Edwards Crown, a symbol of authority, demonstrating its constitutional and historical links with Britain. It is shared with other Australian police jurisdictions, the armed forces of Australia, other Commonwealth police agencies including the Royal Papua New Guinea Constabulary, the Royal Solomon Islands Police, the Royal Canadian Mounted Police and the New Zealand Police, as well as all British police services, and the majority of the armed forces from each of those countries.

The AFP Values are: Fairness, Accountability, Commitment, Excellence, Integrity, Trust and Respect.

The Vision of the AFP is 'Policing for a Safer Australia'

Sillitoe Tartan

Based on the diced bands seen on the Glengarries worn by several Scottish regiments of the British Army, Sillitoe Tartan is the nickname given to the distinctive black and white chequered pattern which was originally associated with the police in Scotland. This form of identification for police spread to Australia, New Zealand, and the rest of the United Kingdom in the 1970s, as well as to some other places such as Chicago and Pittsburgh in the United States and in parts of Canada. The pattern was first adopted for police use in 1932 by Sir Percy Sillitoe, Chief Constable of the City of Glasgow Police.



The AFP adopted the Sillitoe Tartan upon formation in 1979 as its chequered headband for police caps and hats and it is worn only by serving sworn police members. It also forms the basis for the ribbon associated with the Police Overseas Service Medal (POSM) depicted below.



RAMSI Participating Police Force: Operation Helpem Fren



The Regional Assistance Mission to the Solomon Islands (RAMSI) commenced in 2003, after endorsement by the Pacific Islands Forum, the Pacific Islands Chiefs of Police, the United Nations and the Commonwealth. The policing component of the mission consisted of fourteen Participating Police Force (PPF) nations from the Pacific and was led by the Australian Federal Police. The AFP operation name was Operation '*Helpem Fren*', which is Solomon Islands pidgin for 'helping a friend.' RAMSI was able to re-arm elements of the Royal Solomon Islands Police Force (RSIPF), in a major step towards full state sovereignty. RAMSI finished on 30 June 2017, and was replaced by a continuing police development program, run by the AFP, known as the Solomon Islands Police Development Program (SIPDP). This program falls under the AFP umbrella Pacific Police Development Program (PPDP).

PNG-APP: 'Wok Wantaim'



The Papua New Guinea-Australia Policing Partnership (PNG-APP) commenced in four phases in 2008, as part of the AFP's Pacific Police Development Program. It was boosted in 2011. Members work alongside their Royal Papua New Guinea Constabulary (RPNGC) counterparts in various capacities, including training and mentoring for the Asia Pacific Economic Cooperation (APEC) Forum in Port Moresby in 2018.

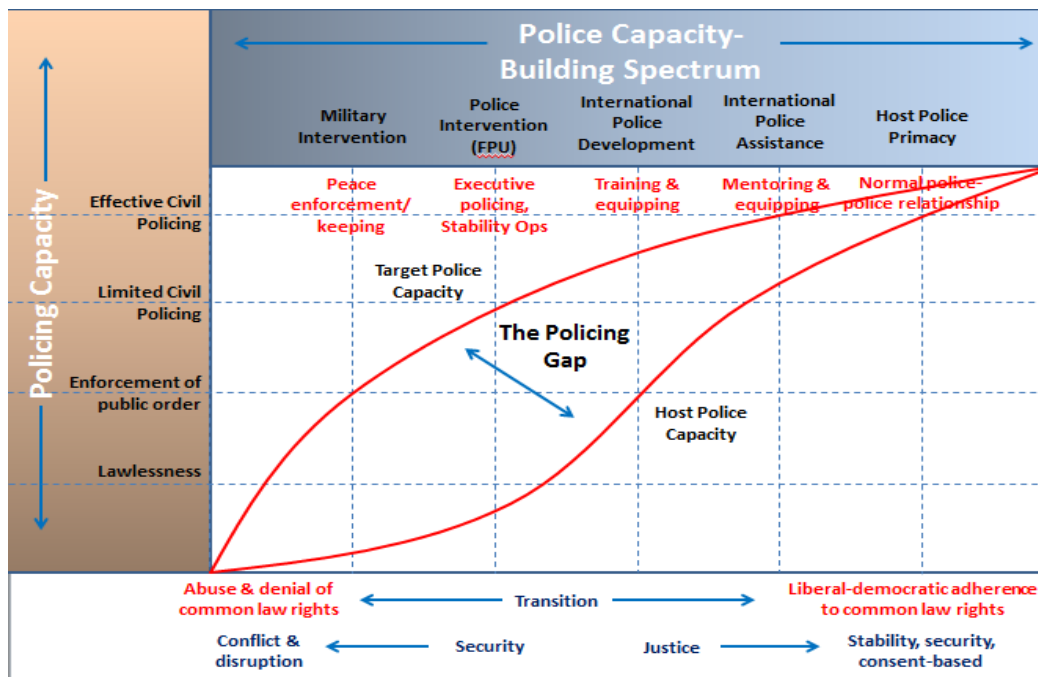
Appendix B: Police capacity development

Police development and the rule of law

The AFP IDG definition of Police development is ‘the support provided to police in post-conflict and developing nations, to build their capacity to provide sustainable and quality policing to their citizens. This support develops the operational capacity, enabling services and leadership that police services require to be accountable to their citizens, and to build and maintain the legitimacy required to support the delivery of the rule of law.’

(AFP International Deployment Group)

The diagram below depicts a stylised theoretical and idealised transition from state conflict and disruption, where human rights are prone to abuse, to a state of consent based stability and security, where human rights are likely to be respected and protected. This transition involves an imposition of security by foreign actors, primarily military, to a situation where host nation police primacy is the respecter and protector of rights. For ease of depiction, this is represented in phases, where a gradual handover from international military to international police and eventually to host-nation police takes place as the security situation eases and a more justice-oriented police posture is permissible. The objective from an AFP perspective is to encourage competent and accountable host-nation police in such interventions to permit normal police peer-to-peer relationships. The AFP has been involved in such successful interventions and transitions in the South West Pacific and Timor Leste, since 1999-2000.



[<http://www.peacekeepers.asn.au/mag/2015/Spring15.pdf>]

[ABCA Publication 369. Edition 2]

There is a direct relationship between police development, the observance of the rule of law and human rights. Police, however, are only one part of the institutional framework which underpins a well-functioning criminal justice system, as the following United Nations definition of the Rule of Law illustrates.

‘For the United Nations, the rule of law refers to a principle of governance in which all persons, institutions and entities, public and private, including the state itself, are accountable to laws that are publicly promulgated, equally enforced and independently adjudicated, and which are consistent with international human rights norms and standards. It requires as well, measures to ensure adherence to the principles of the supremacy of law, equality before the law, accountability to the law, fairness in the application of the law, separation of powers, participation in decision-making, legal certainty, avoidance of arbitrariness and procedural and legal transparency.’

(United Nations Rule of Law (S/2004/616) Report to the Secretary-General on the Rule of Law and Transitional Justice in Conflict and Post-Conflict Societies. [<http://www.un.org/en/ruleoflaw/>])

Military interventions are expensive and rarely result in a sustainable peace to keep. Early in this thesis, the distinction was made between the military as peace-makers and the police as peace-keepers. This is deliberately simplistic, however, in a preventative sense, to not consider these policing activities, in tandem when making the peace, runs the risk of increasing continued breakdowns of social contracts, when the peace is actually made, to the extent that international military interventions may be prolonged. It does not take very long for a liberating military, to be regarded as an occupier. By advocating transition, to best-practice, humanitarian approaches to policing, especially regionally, not only is the national interest served, so too is the prospect of a sustainable peace to keep, by virtue of improved social contracts between the community and its government. Furthermore, this serves the Australian community’s interests, by enhanced connectivity between police agencies, working to mitigate the influence of crime.

Appendix C: Group Bravery Citation: 1st East Timor Contingent-UNAMET



GROUP BRAVERY CITATION

Members of the 1st Australian Federal Police Detachment to serve with UNAMET in East Timor in 1999

A contingent of 52 members of the Australian Federal Police (AFP) served with the United Nations Assistance Mission to East Timor (UNAMET) from 11 June 1999 to 14 September 1999. Their mission was to liaise with and advise the Indonesian Police on security matters related to the conduct of a referendum scheduled for 30 August that would determine the political future of East Timor. Their mission also required them to supervise the delivery of the ballot papers and ballot boxes to the various polling sites throughout East Timor and their return to the counting centre in Dili at the end of polling.

On their arrival in East Timor, members of the AFP contingent were deployed in teams into nine provinces, namely Liquica, Maliana, Suai, Ermera, Baucau/Manatuto, Alieu, Lospalos, Ambeno and the Dili Regional Headquarters area. In many of these areas the local infrastructure was poor to non-existent. In their assigned locations they remained isolated, unarmed and vulnerable to ambush and hostile action by local militias opposed to the ballot.

The commencement of voter registration on 6 August led to an increase in militia activity against the local population. Members of the contingent in the nine locations were also subject to various forms of intimidation ranging from physical acts of violence often occasioning bodily harm, being fired upon, death threats and hostile propaganda. Their efforts to maintain order were often hampered and undermined by the Indonesian Police and military sympathisers of the pro-integration militias.

Following the ballot on 30 August, acts of violence by pro-integration militias against the civilian population escalated dramatically. There were many reported killings and East Timor was quickly engulfed in civil strife. In some areas the local Police commander informed UNAMET that their safety could no longer be guaranteed. In the ensuing turmoil the protection of the civilian population became the primary mission of UNAMET.

Despite the threat to their safety, members of UNAMET offered protection and refuge to sections of the local population targeted by the pro-integration militias. Members of UNAMET also mounted patrols into the surrounding areas to publicise a United Nations presence as well as give the local population early warning of militia attack. The policing actions of UNAMET helped reduce fear and tension throughout East Timor. In carrying out their policing functions members of UNAMET often placed their own lives at significant risk.

Appendix D: Narcotics

Regional Narcotics Intelligence Fusion Centre Bahrain Opiates-Afghanistan

Afghanistan: Total area under opium poppy cultivation expanding, threatening sustainable development in the country

Year	Hectares under opium poppy cultivation	Year	Hectares under opium poppy cultivation
1994	71000	2006	165000
1995	54000	2007	193000
1996	57000	2008	157000
1997	58000	2009	123000
1998	64000	2010	123000
1999	91000	2011	131000
2000	82000	2012	154000
2001	8000	2013	209000
2002	74000	2014	224000
2003	80000	2015	183000
2004	131000	2016	201000
2005	104000		

UNODC/MCN Opium Surveys 1994-2016 [<http://media.breitbart.com/media/2016/10/Insert2.png>]

The AFP has a member embedded in the Regional Narcotics Intelligence Fusion Centre (RNIFC), based in Bahrain and focusses on the trafficking of opiates originating from Afghanistan. The global heroin trade is estimated at between 430 and 450 tonnes, and to generate between \$US 400 and \$US 500 billion dollars annually. It is estimated that approximately 80 per cent of this trade originates in Afghanistan, with the remainder originating in the Golden Triangle area of northern Thailand, Myanmar and Laos.

The area under poppy cultivation in Afghanistan has grown from 82000 hectares in 2000 to 201000 hectares in 2016. It is grown primarily in the south and distorts the legitimate economy by discouraging investment and fuelling violence and insecurity through the Taliban insurgency. Local consumption also creates costs associated with addiction. The cultivation provides full-time employment for low paid workers (estimated at 235,100 in 2016). There are two primary trafficking routes from Afghanistan. North and west through Iran, Turkey, the Balkans, or Tajikistan and Russia and eventually into Europe; South, through the Makram Coast, to east and

southern Africa, including Tanzania, South Africa, Mozambique, and Kenya, as well as Egypt and Nigeria. The syndicates which run this trade are based in West Africa, Pakistan, China and South East Asia. There are a number of connections with Australia, in which the AFP takes an interest.

Appendix E: Disaster victim identification: Operation Arew (MH17 Ukraine July 2014)

Phase 1 Scene-Recovery of remains

Phase 2 Post Mortem-to establish cause of death

The Post Mortem Phase, was conducted to establish the cause of death and was conducted by a combined international team comprised of police from The Netherlands, Belgium, Germany, Britain, Australia, Malaysia and Indonesia. Australian experience training and working with Malaysian and Indonesia counterparts was instrumental in their inclusion in this European-oriented team. All DVI Teams worked in accordance with international protocols and procedures which provide a level of commonality and standardisation. The Australian contribution to the DVI effort comprised 63, including 20 Forensics officers, 22 members from ACT Policing, 6 members from National policing and a combination of State and Territory police members. The DVI process involved over 3000 specialist examinations which were undertaken to ensure the victims were identified in accordance with the INTERPOL standards mentioned previously. The Primary Identifiers used in the PM process are biological: (1) fingerprints; (2) dental; (3) DNA/pathology. These are supplemented by Secondary Identifiers such as effects linked to the recovered body such as: (1) jewellery; (2) tattoos; (3) clothing.

Phase 3 Ante Mortem-information obtained from family to assist with identification

State and Territory police, who maintained primacy in relation to contacting Next of Kin, liaised with AFP Family Investigative Liaison Officers (FILO) throughout Australia to collect Ante Mortem material for further identification. The Family Investigative Liaison Officer (FILO) program was raised in response to the Bali bombings in 2002. Their role is to act as a conduit between the families impacted by a critical incident and the AFP investigation team, to provide a single point of contact for the family to ensure ongoing messaging. Operation Arew highlighted the vital nature of the role in support of the whole-of-government response. Within 24 hours of the Incident Coordination Centre (ICC) being established, 26 FILOs (from a deployment capability of 30) were deployed to 23 different family groups, with an additional four deployed offshore to streamline the identification process. The Victorian Coroner was nominated as the central point of contact. All human remains were processed through the Victorian Institute of Forensic Medicine (VIFM) in Melbourne. The AFP FILO's provided liaison between DFAT, the Victorian Coroner and associated officers and with the families in conjunction with State and Territory police. State and Territory DVI representatives were notified of all repatriations or cremations in The Netherlands.

Phase 4 Reconciliation

This Phase involves case management, data mining, and comparison reports from PM and AM processes, to positively identify remains, supported by a stringent quality assurance process. Recovered remains were conveyed by Dutch and Australian military aircraft to The Netherlands and secured at a Dutch Air Force Base. This was a secure site and had large undercover areas available for the task at hand. This allowed co-location of both Phases 2 and 3. It also allowed on-site accommodation and messing for DVI staff and served to restrict access by the general public, including the media. Upon return to Australia, the remains were provided with a ceremonial guard of honour provided by the AFP Ceremonial and Protocol Officer (CAPO) network before the remains were handed over to the Coroner and eventually to the families in all parts of Australia.

Appendix F:³⁸⁸ INTERPOL



The badge of the International Criminal Police Organisation (ICPO or OIPC: French Organisation Internationale de Police Criminelle) depicts a globe with Europe and Africa centred, surrounded by a wreath of olive leaves, symbolising peace, a vertical sword representing police action and scales, the universal symbol of justice. It contains the motto ‘INTERPOL’, and the acronyms ICPO/OIPC, as above. Australia is depicted in the bottom right.

The vision of INTERPOL is ‘Connecting Police for a Safer World’

The four official languages of INTERPOL are: Arabic, English, French and Spanish.

INTERPOL is the world’s oldest and largest international criminal intelligence organisation with a history dating from 1914, when the concept was first raised at the International Criminal Police Congress, held in Monaco. It was officially established as the International Criminal Police Commission (ICPC) in 1923. In 1926 the General Assembly, held in Berlin, proposed that each country establish a central point of contact within its police structure: the forerunner of the National Central Bureau (NCB), a structure which was adopted in 1927. The ICPC dealt primarily with currency counterfeiting, criminal records and passport forgery. In 1935 the ICPC launched an international radio network which provided independent telecommunications system solely for the use of the criminal police authorities at national levels.

The following year in 1936 the German National Socialist Government took control of the ICPC after deposing its President, and moved the headquarters to Berlin in 1942. During this period the ICPC effectively ceased to function as most countries withdrew their participation. In 1946 Belgium led the rebuilding of the ICPC and the headquarters was moved to Paris. Democratic processes were established for the election of the President and the Executive Committee. ‘INTERPOL’ was chosen as the organisation’s telegraphic address. The organisation itself became known as INTERPOL in 1956. There are currently 190 member nations. In 1949 the United Nations granted consultative status as a non-government organisation and was granted recognition as an intergovernmental organisation in 1971. The General Secretariat of INTERPOL

moved to Lyon, France in 1989 and in 2003 established a Command and Control Centre at Lyon which enabled INTERPOL to operate on a 24 hour, seven day a week basis. INTERPOL maintains a Criminal Information System (ICIS) database which was established in 1998. It allows instant, direct access to a number of criminal databases which contain millions of records, contributed by countries across the world. The latest innovation for INTERPOL is the establishment of the INTERPOL Global Complex for Innovation in Singapore in 2015, which aims to combat cybercrime and assist police around the world address emerging threats through innovation and training. INTERPOL currently has 190 members, which provides global coverage for international criminal activities including international INTERPOL Red Notice arrest warrants under the INTERPOL Colour-Coded Notice System.

The INTERPOL colour-coded notice system

INTERPOL's system of Notices is used to issue international alerts for fugitives, suspected criminals, persons linked to or of interest in an ongoing criminal investigation, persons and entities subject to UN Security Council Sanctions, potential threats, missing persons and dead bodies. Details are stored in a database known as the INTERPOL Criminal Information System, which also contains personal data and the criminal history of people subject to request for international police cooperation.

The INTERPOL colour-coded notice system was established in 1946 as follows: (1) Red Notice - To seek the location and arrest of wanted persons with a view to extradition or similar lawful action; (2) Blue Notice -To collect additional information about a person's identity, location or activities in relation to a crime; (3) Green Notice -To provide warnings and intelligence about persons who have committed criminal offences and are likely to repeat these crimes in other countries; (4) Yellow Notice -To help locate missing persons, often minors, or to help identify persons who are unable to identify themselves; (5) Black Notice -To seek information on unidentified bodies; (6) Orange Notice -To warn of an event, a person, an object or a process representing a serious and imminent threat to public safety; and (7) Purple Notice -To seek or provide information on modus operandi, objects, devices and concealment methods used by criminals. INTERPOL–United Nations Security Council Special Notice-Issued for groups and individuals who are the targets of UN Security Council Sanctions Committees.

INTERPOL: Types of notice

	<p>Red Notice</p> <p>To seek the location and arrest of wanted persons with a view to extradition or similar lawful action.</p>		<p>Yellow Notice</p> <p>To help locate missing persons, often minors, or to help identify persons who are unable to identify themselves.</p>
	<p>Blue Notice</p> <p>To collect additional information about a person's identity, location or activities in relation to a crime.</p>		<p>Black Notice</p> <p>To seek information on unidentified bodies.</p>
	<p>Green Notice</p> <p>To provide warnings and intelligence about persons who have committed criminal offences and are likely to repeat these crimes in other countries.</p>		<p>Orange Notice</p> <p>To warn of an event, a person, an object or a process representing a serious and imminent threat to public safety.</p>
	<p>INTERPOL–United Nations Security Council Special Notice</p> <p>Issued for groups and individuals who are the targets of UN Security Council Sanctions Committees.</p>		<p>Purple Notice</p> <p>To seek or provide information on modus operandi, objects, devices and concealment methods used by criminals.</p>

[<https://www.interpol.int/>]

INTERPOL areas of interest

INTERPOL's activities aren't confined to terrorism. INTERPOL maintains a number of databases which are useful for criminal investigations. They include the following:

(1) Fingerprints and DNA

The International Child Sexual Exploitation Image Database; the Automatic Fingerprint Identification System (AFIS), the DNA profiles which contains DNA profiles from offenders, crime scenes, missing persons and unidentified bodies but does not store any nominal data linking a DNA profile to any individual.

(2) Stolen and Lost Documents

Stolen documents can be used by criminals to facilitate criminal activity, so INTERPOL maintains a Stolen and Lost Travel Documents (SLTD) and a Stolen Administrative Documents (SAD). INTERPOL also provides the EDISON (Electronic Documentation and Information System on Investigation Networks) which provides examples of genuine travel documents, in order to help identify fakes, which is extremely useful for border control agencies.

(3) Stolen Property

Stolen property, particularly motor vehicles, vessels and works of art are trafficked internationally and INTERPOL maintains a database for each. Noteworthy is the fact that the Works of Art database contains descriptions and pictures of cultural objects reported as stolen by INTERPOL member countries and international partners such as the International Council of Museums and UNESCO. It includes items looted during crisis periods in Afghanistan, Iraq and Syria. Items such as works of art are regularly trafficked by organised crime groups.

(4) Firearms and Ballistics

The INTERPOL Firearms Reference Table provides a standardised methodology to identify and describe firearms, and enables an investigator to obtain or verify the details of a firearm. The INTERPOL Ballistic Information Network provides a global platform for the centralised collection, storage and cross-comparison of ballistics imaging. The INTERPOL Illicit Arms Records and tracing Management System (iARMS) facilitates information exchange and cooperation between law enforcement agencies on firearm-related crime, and allows them to trace a firearm from the point of manufacture or of legal importation into a country, through the lines of supply to the last known point of possession.

(5) Radiological and nuclear materials

The Project Geiger database is used to collate and analyse information on illicit trafficking and other unauthorised activities involving radiological and nuclear materials. It combines data from the International Atomic Energy Agency, open-source reports and law enforcement channels.

(6) Maritime piracy

The maritime piracy database stores intelligence related to cases of piracy and armed robbery at sea, including data on individuals, telephone numbers, e-mail addresses, piracy incidents, locations, businesses and financial information.

